

# Registered Federal Patent

OK  
Thursday  
December 23, 1982

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## Selected Subjects

### **Air Traffic Control**

Federal Aviation Administration

### **Animal Diseases**

Animal and Plant Health Inspection Service

### **Authority Delegations (Government Agencies)**

Transportation Department

### **Aviation Safety**

Federal Aviation Administration

### **Child Support**

Child Support Enforcement Office

### **Classified Information**

National Science Foundation

### **Disaster Assistance**

Federal Emergency Management Agency

### **Federal Home Loan Banks**

Federal Home Loan Bank Board

### **Fisheries**

National Oceanic and Atmospheric Administration

### **Government Property**

Tennessee Valley Authority

### **Hazardous Materials**

Environmental Protection Agency

### **Imports**

Animal and Plant Health Inspection Service

### **Indians—Education**

Indian Affairs Bureau

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### **National Banks**

Comptroller of Currency

### **National Parks**

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### **Natural Gas**

Federal Energy Regulatory Commission

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Federal Register

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

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

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 16

#### Restriction of Importation of Meat from Australia and New Zealand.

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule adjusts the quantitative restrictions on meat imports from Australia and New Zealand. This adjustment reflects the reallocation to Australia and New Zealand of a shortfall in meat imports from other supplying countries. Such a reallocation was provided for in agreements with Australia and New Zealand.

**EFFECTIVE DATE:** December 23, 1982. See supplementary information.

#### FOR FURTHER INFORMATION CONTACT:

Bryant Wadsworth (FAS), (202) 447-8031, Dairy, Livestock and Poultry Division, FAS, USDA, Room 6616 South Building, Washington, D.C. 20250.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and Executive Order 11539, as amended, the Office of the United States Trade Representative has negotiated agreements with the Governments of Australia and New Zealand whereby each country has voluntarily agreed to a limitation on the quantity of certain meats exported from it to the United States during calendar year 1982.

Those agreements provided that, if the amount of meat imported from other supplying countries was less than the estimated amount used in negotiating the maximum level of imports contained in those agreements, then that shortfall would be reallocated to Australia and

New Zealand and the total level of permissible imports from those two countries would be adjusted correspondingly.

Such a shortfall has occurred. Accordingly, this final rule increases the permissible level of imports from Australia and New Zealand to reflect the allocation of that shortfall to Australia and New Zealand.

The concurrence of the Secretary of State and the United States Trade Representative has been obtained for the issuance of these regulations.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, this regulation falls within the foreign affairs exception of Executive Order 12291 and the notice, public participation and effective date provisions of 5 U.S.C. 553. Further, the provisions of the Regulatory Flexibility Act do not apply to this rule since the notice of proposed rulemaking provisions of 5 U.S.C. 553 do not apply.

#### List of Subjects in 7 CFR Part 16

Meat and meat products, Imports.

#### PART 16—[AMENDED]

Accordingly, Subpart A of Part 16 of Title 7 of the Code of Federal Regulations is amended as follows:

1. Section 16.5 is revised as follows:

#### § 16.5 Quantitative restrictions.

(a) Imports from New Zealand. During calendar year 1982, no more than 349.9 million pounds of meat exported from New Zealand in the form in which it would fall within the definition of meat in TSUS 106.10, 106.22, 106.25, 107.55, or 107.62 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from New Zealand to the United States.

(b) Imports from Australia. During calendar year 1982, no more than 697.0 million pounds of meat exported from Australia in the form in which it would fall within the definition of meat in TSUS 106.10, 106.22, 106.25, 107.55, or 107.62 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from Australia to the United States.

(Sec. 204, Pub. L. 540, 84th Cong. 70 Stat. 200, as amended (7 U.S.C. 1854), and Executive

Order 11539 (35 FR 10733), as amended by Executive Order 12188 (45 FR 989))

Issued at Washington, D.C., this 21st day of December, 1982.

John R. Block,  
Secretary.

[FR Doc. 82-34953 Filed 12-21-82; 12:47 pm]

BILLING CODE 3410-10-M

## Agricultural Marketing Service

### 7 CFR Part 907

[Navel Orange Reg. 557]

#### 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 24-30, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** December 24, 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. 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. 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 is 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-

674). This action is based upon the recommendations and information submitted by the 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 21, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

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 is 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. It is necessary to effectuate the declared policy of the Act to make this regulatory provision 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).

1. Section 907.857 is added as follows:

#### § 907.857 Navel Orange Regulation 557.

The quantities of navel oranges grown in Arizona and California which may be handled during the period December 24, 1982, through December 30, 1982, are established as follows:

- (1) District 1: 700,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons;
- (4) District 4: Unlimited cartons.

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

Dated: December 21, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-35080 Filed 12-22-82; 11:53 am]

BILLING CODE 3410-02-M

## Animal and Plant Health Inspection Service

### 9 CFR Part 92

[Docket No. 82-092]

#### Ports Designated for the Importation of Animals; Addition of a Special Port for Pet Birds

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This document adds Hidalgo, Texas, to the list of special ports for the importation of pet birds. This action is being taken because it will relieve restrictions presently imposed on the owners of pet birds and reduce expenses incurred by this Department in transporting a small number of pet birds 80 miles from the present port of entry at Brownsville, to Mission, Texas, for quarantine. The intended effect of this action is to revise the list of special ports for pet birds designated in 9 CFR 92.3(f).

**DATES:** Effective date December 23, 1982. Comments must be received on or before February 22, 1983.

**ADDRESS:** Written comments to Deputy Administrator, VS, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, Room 728, 6505 Belcrest Road, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (9 CFR 1.27(b)).

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

**FOR FURTHER INFORMATION CONTACT:** Dr. S. S. Richeson, Chief Staff Veterinarian, Import/Export Animals and Products, VS, APHIS, USDA, Room 846, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291 and Emergency Action

This interim rule has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries,

Federal, State or local government agencies, or geographic regions; and will not have any 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.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. George P. Pierson, Acting Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on pet birds imported into the United States by adding a new port of entry at Hidalgo, Texas, and should be made effective immediately in order to permit affected persons to move these birds into the United States without unnecessary and time consuming restrictions. Further, this amendment reduces the expense and manpower this Department must bear in transporting birds from Brownsville to Mission, Texas, where the birds are quarantined.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this action effective less than 30 days after publication of this document in the *Federal Register*. Comments have been solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the *Federal Register* as soon as possible.

##### Certification under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. It is anticipated that no more than approximately 45 pet birds will be imported annually through this port of entry. Since these are pet birds and not commercial birds, it is anticipated that there will not be any economic impact on any small entities.

**Background**

The regulations in 9 CFR 92.3 list the ports of entry for pet birds which are not known to be affected with or exposed to communicable diseases of poultry. Presently, birds that enter at Brownsville, Texas, are placed in quarantine at Mission, Texas. Brownsville, Texas, the nearest approved port of entry to Mission, Texas, is 80 miles away and Hidalgo, Texas, is only 25 miles from Mission, the USDA quarantine facility. It is contrary to the public's interest to require importer(s) to commute to Brownsville to enter a pet bird when it is more convenient to use Hidalgo as a port of entry. Adding Hidalgo as a port of entry for pet birds will also save the Department the expense and manpower of transporting such birds from Brownsville to Mission, Texas, for quarantine. It should be noted that in a companion docket, published in this issue of the *Federal Register*, it has been proposed that Brownsville, Texas, be deleted as a port of entry for pet birds.

Therefore, the Department is adding Hidalgo, Texas, as a port of entry for pet birds because it is economically advantageous to importers and the Department.

**Alternatives**

The following alternatives were considered in making this decision:

1. To make no change in the regulation.

This alternative would continue to prohibit the use of Hidalgo, Texas, as a port of entry for pet birds, and, thereby, the restrictions presently imposed would not be relieved. This alternative was not selected because the Deputy Administrator, Veterinary Services, has determined that it is not in the best interest of the importers of pet birds and this Department.

2. To amend the regulation as outlined above.

This alternative was selected because presently importers must use the port of entry at Brownsville, Texas. This alternative maximizes net benefit to society at the lowest net cost in that the present restriction is inconvenient and creates unjust hardships on importers desiring to use Hidalgo because of the distance from Hidalgo to Brownsville and because of the added expense and manpower the Department must bear in transporting pet birds from Brownsville to Mission, Texas, where the birds must be placed in quarantine. Hidalgo is 55 miles closer to Mission, Texas, than Brownsville.

**List of Subjects in 9 CFR Part 92**

Animal diseases, Imports, Mexico, Poultry and poultry products, Quarantine, Transportation, Exotic Newcastle Disease, Pet birds.

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

**§ 92.3 [Amended]**

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended by adding "Hidalgo, Texas," to the list of special ports for pet birds in § 92.3(f).

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f)

Done at Washington, D.C., this 20th day of December, 1982.

J. K. Atwell,

*Deputy Administrator, Veterinary Services.*

[FR Doc. 82-34878 Filed 12-22-82; 8:45 am]

BILLING CODE 3410-34-M

**DEPARTMENT OF THE TREASURY****Comptroller of the Currency****12 CFR Part 9**

[Docket No. 82-28]

**Registration of National Bank Transfer Agents**

**AGENCY:** Comptroller of the Currency, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of the Comptroller of the Currency ("Comptroller") is amending its rules governing the registration of transfer agents for securities registered under Section 12 of the Securities Exchange Act of 1934 or for certain securities exempt from registration. The amendments will allow additional time in which to file amendments of Form TA-1, will repeal a transitional provision which is no longer required, and will add a citation of statutory authority.

**EFFECTIVE DATE:** The amendments are immediately effective December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Tyler Tullos, Trust Examinations Division, (202) 447-1731 or Brenda Curry, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

**SUPPLEMENTARY INFORMATION:** On May 28, 1982, the Comptroller published for

comment (47 FR 23473) a Notice of Proposed Rulemaking to amend 12 CFR 9.20 to conform to the revised Form TA-1, which was jointly developed by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission and the Office of the Comptroller of the Currency. Adoption of the new Form TA-1 occurred on June 28, 1982, 30 days after publication of the notice of adoption in the *Federal Register* (47 FR 23473) Registrants, however, were permitted to use either the old or new form TA-1 during the 30-day interim period.

The Comptroller received four letters commenting on the proposed amendments to the regulation and the adoption of the revised Form TA-1. All four letters favored the changes, stating that their implementation should reduce paper work, simplify procedures and facilitate compliance. Therefore, the regulation is being adopted without change.

Registrants will now be allowed sixty days in which to file an amendment to correct inaccurate, misleading or incomplete information included in a previously filed Form TA-1. Extending the period of time for filing amendments from twenty-one days to sixty days will allow registered transfer agents sufficient time in which to comply with the regulation.

Section 9.20(e) was enacted as a transitional rule in 1975. The Comptroller believes that it no longer serves a useful purpose and should be repealed in the interest of regulatory simplification and clarity. Finally, the Comptroller will add a citation of statutory authority to 12 CFR 9.20 to inform the public of the Comptroller of the Currency's specific rulemaking authority for transfer agents under the Securities Exchange Act of 1934.

**Special Studies**

The Secretary of Treasury certified in the Notice of Proposed Rulemaking that this rule would not have a significant economic impact on a substantial number of small entities; therefore, no Regulatory Flexibility Analysis was prepared. A Regulatory Impact Analysis pursuant to Executive Order 12291 was not required since the amendments will not have an annual effect on the economy of \$100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, federal, state or local government agencies or geographic regions nor will it have significant adverse effects on competition,

employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### List of Subjects in 12 CFR Part 9

National banks, Transfer agents, Fiduciary powers.

#### PART 9—[AMENDED]

For the reasons set forth in the preamble, 12 CFR Part 9 is amended as follows:

1. The authority citation for Part 9 is revised to read as follows:

Authority: Sec. 1, 77 Stat. 668; 12 U.S.C. 92a; and R.S. 5240 as amended (12 U.S.C. 481), unless otherwise noted.

2. 12 CFR 9.20(c) is revised to read as follows:

#### § 9.20 Registration of national bank transfer agents.

(c) Within sixty calendar days following the date on which any information reported on Form TA-1 becomes inaccurate, misleading or incomplete, the registrant shall file an amendment on Form TA-1 correcting the inaccurate, misleading or incomplete information.

3. 12 CFR 9.20(e) is removed.

4. A citation of authority is added after § 9.20 to read as follows:

(Secs. 3(a)(34)(B), 17, 17A, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)(B), 78q, 78q-1, 78w))

Dated: December 3, 1982.

C. T. Conover,  
Comptroller of the Currency.

[FR Doc. 82-34812 Filed 12-22-82; 8:45 am]

BILLING CODE 4810-33-M

#### DEPARTMENT OF COMMERCE

#### Economic Development Administration

#### 13 CFR Part 301

[Docket No. 21203-242]

#### Establishment and Organization, Subpart C, Description of Organization

**AGENCY:** Economic Development Administration (EDA), Commerce.

**ACTION:** Interim rule.

**SUMMARY:** This rule amends EDA's Establishment and Organization regulation to reflect organizational changes in the Agency. It describes changes in titles and duties of EDA Officials/Offices.

**DATES:** Effective December 23, 1982.

Comments by February 22, 1983.

**ADDRESS:** Send comments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Henry C. Kramer, Acting Director, Office of Management and Administration, U.S. Department of Commerce, Economic Development Administration, Room 7816, Washington, D.C. 20230; (202) 377-2194.  
**SUPPLEMENTARY INFORMATION:** EDA is amending its establishment and organization regulation at 13 CFR Part 301, Subpart C—Description of Organization. The regulation as now written does not accurately reflect Agency organizational structure, i.e., titles and duties. Such changes were brought about by a Reduction in Force, Agency reorganization and new delegations of authority. The changes are reflected in Department Organization Order 45-1, effective August 2, 1982.

Because this rule relates to Agency Management, it is exempt from the notice and comment procedures described in Section 553 of the Administrative Procedure Act (5 U.S.C. 553). However, while the rule will become effective upon publication in interim form, the public will be given an opportunity to comment before it is published in final form.

In accordance with Section 3(c)(3) of Executive Order No. 12291, this rulemaking has been submitted to the Director of the Office of Management and Budget. Since this is not a "major rule," a Regulatory Impact Analysis is not required. In addition, there are no reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

It has been determined by the General Counsel of the Department of Commerce that this rulemaking will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 13 CFR Part 301

Organization and functions (government agencies), Freedom of information.

Accordingly, EDA amends 13 CFR Part 301 as follows:

#### PART 301—ESTABLISHMENT AND ORGANIZATION

#### Subpart C—Description of Organization

1. Section 301.32 is revised to read as follows:

#### § 301.32 Assistant Secretary.

The Assistant Secretary for Economic Development directs the programs and is responsible for the conduct of all activities, including overall direction and coordination of the Regional Offices of EDA, subject to the policies and directives prescribed by the Secretary of Commerce. The Assistant Secretary also directs the Executive Secretariat.

(a) The Executive Secretariat receives all correspondence addressed to the Office of Assistant Secretary, and assigns it to the appropriate office for action; records controlled and non-controlled correspondence; maintains prompt follow-up of replies to ensure that deadlines are met; maintains correspondence and policy files; and provides a selective reference service to files as requested by EDA Officials.

2. Section 301.33 is revised to read as follows:

#### § 301.33 Deputy Assistant Secretary.

The Deputy Assistant Secretary assists the Assistant Secretary in all matters affecting EDA; and performs the duties of the Assistant Secretary during the latter's absence. The Deputy Assistant Secretary also directs the Office of Compliance. Regional Directors report directly to the Deputy Assistant Secretary.

(a) The Office of Compliance conducts Section 702 studies, where appropriate; recommends areas for designation, as requested; coordinates all of EDA's environmental activities; develops, as appropriate, agency procedures for complying with environmental legislation, regulations, and executive orders; serves as EDA's Official under the provisions of the National Environmental Policy Act of 1969 (NEPA); establishes effective systems throughout EDA to obtain and monitor reports concerning the program of equality of opportunity and ensures compliance with Civil Rights Guidelines, Department and EDA Regulations; establishes report requirements to ensure equality of opportunity by participants in economic development programs, conducts on-site inspections, and receives, investigates, and adjusts complaints; evaluates EDA experience relating to the equal opportunity programs; and establishes uniform equal opportunity standards and procedures to be followed in reviewing EDA projects.

(b) The Regional Directors (along with the appropriate Deputy Assistant Secretary (DAS)) have review and clearance responsibilities concerning certain types of amendments; approve disbursements and close out grant

project audits; approve deferments of certain payments concerning loans and leases; and have certain powers and duties concerning Economic Development Districts, Indian organizations and other Areas. Regional Directors also approve Overall Economic Development Programs (OEDP).

3. Section 301.34 is revised to read as follows:

**§ 301.34 Deputy Assistant Secretary for Operations.**

The Deputy Assistant Secretary for Operations reports to the Deputy Assistant Secretary; and provides coordinated direction of headquarters activities related to financial and technical assistance projects, which will improve local economies, and integrate EDA's investment and planning activities. He/she also develops, in conjunction with the Office of the Inspector General, criteria for audits, including adherence to EDA policy and programmatic requirements. In addition, he/she develops policies and procedures for the implementation of the following program authorities: Public Works; Technical Assistance; Title IX Special Adjustment Assistance; Title IX Long-Term Economic Deterioration; and Local Public Works. The Deputy Assistant Secretary for Operations oversees and coordinates the Section 304 program of the Act; and monitors and services projects developed under: The Comprehensive Employment Training Act of 1973, as amended (29 U.S.C. 801 *et seq.*); Section 217 of Pub. L. 89-298 (42 U.S.C. 3142a) relating to river and harbor projects; 41 CFR Part 101-43, Public Contracts and Property Management, for the acquisition, use and eventual disposition of excess personal property obtained by the Administration and furnished to the Administration's project grantees and cost reimbursement type contractors; The Local Public Works Capital Development and Investment Act of 1976, which is Title I of the Public Works Employment Act of 1976 (Pub. L. 94-369, 42 U.S.C. 6701 *et seq.*), as amended by Pub. L. 95-28; Pub. L. 94-427, 90 Stat. 1336-1339, relating to the XIII International Olympic Winter Games; and The Community Emergency Drought Relief Act of 1977, Pub. L. 95-31. In addition, the Deputy Assistant Secretary for Operations directs and supervises the activities of the Office of Economic Adjustment, the Office of Public Works, and the Office of Planning, Technical Assistance, Research, and Evaluation.

(a) The Office of Economic Adjustment coordinates and oversees the operation of the Title IX economic

dislocation program; develops policies and procedures for implementation of the program; and provides post-approval assistance, taking into account program and policy compliance and appropriate measures to correct non-compliance.

(b) The Office of Public Works is responsible for the implementation of Public Works grants and loans under the Act (Title I, II, and IV); and the Long-Term Deterioration (Title IX) program. The Office of Public Works is also responsible for the implementation of Title I of the Public Works Employment Act of 1976 (LPW) as amended; Pub. L. 94-427, relating to the XIII International Olympic Winter Games; and the Community Emergency Drought Relief Act of 1977. In addition, the Office of Public Works develops policies and procedures for the implementation of public investment programs; directs and oversees the specific program authorities, and oversees post-approval management of all public investments, including special adjustment assistance, construction, and revolving loan projects.

(c) The Office of Planning, Technical Assistance, Research, and Evaluation oversees the monitoring of planning grants to states, cities, districts, counties, neighborhoods, metropolitan organizations, and Indian tribes; oversees and monitors technical assistance activities; conducts evaluations of EDA policies, programs, and projects to determine their effectiveness in terms of goals and objectives; and develops cost-benefit studies to aid the Assistant Secretary in making choices and decisions between alternative programs, projects, or activities for economic development; and reviews, evaluates, integrates, and disseminates the results of EDA sponsored research as well as other research findings that are relevant to EDA's objectives.

4. Section 301.35 is added to read as follows:

**§ 301.35 Deputy Assistant Secretary for Finance.**

The Deputy Assistant Secretary for Finance reports to the Deputy Assistant Secretary; and provides coordinated direction of headquarters and regional activities related to EDA's direct loan and loan guaranty programs. The Deputy Assistant Secretary for Finance also develops policies and procedures for the administration of Section 202 of the Public Works and Economic Development Act of 1965, as amended; and monitors and services projects developed under Chapters 3 and 4 of Title II of the Trade Act of 1974 as amended, (19 U.S.C. 2341 *et seq.*, 2371 *et*

*seq.*), and predecessor statutes, as they pertain to providing monitoring and servicing for those adjustment assistance projects to firms which were certified eligible to apply and were approved prior to the transfer of functions to the Under Secretary for International Trade.

The Deputy Assistant Secretary for Finance directs and supervises the activities of the Office of Loan Management, the Office of Special Servicing, and the Office of Liquidation.

(a) The Office of Loan Management oversees and monitors the servicing activities of the Regional Offices; conducts the loan administration of EDA loans/guarantees requiring servicing, so as to sustain or restore EDA projects as viable operations, including modifications of existing loan/guaranty terms and conditions; analyzes and recommends for approval or denial, modification actions to existing EDA loan/guaranty terms and conditions as requested by the Regional Offices; and coordinates and oversees the management information system relating to Regional Office portfolio administration and administration of the Office of Loan Management portfolio.

(b) The Office of Special Servicing develops, implements, and evaluates the policies, standards and procedures for the operation of the direct loan and loan guaranty programs in headquarters and the Regional Offices; performs the final financial and programmatic reviews of any application for new loan/guaranty assistance received in EDA; recommends the expenditure of current funds for new projects or for the injection of current funds for previously approved projects; and conducts the post approval administration of all EDA loans/guarantees within the headquarters portfolio that are determined to have the highest risk, greatest exposure, greatest programmatic sensitivity; and performs appropriate workout actions, such as restructuring, refinancing, obtaining new capital, or arranging for takeover by another organization, when it is determined to be in the best interest of the government.

(c) The Office of Liquidation conducts the orderly liquidation of EDA projects incapable of continuing viable operations, so as to dispose of the project assets, acquired at foreclosure or otherwise, to the best advantage of the government; directs all activities in connection with the care and preservation of EDA's collateral and security position in EDA loans/guarantees; and requests the assistance of, and works with, EDA's Office of

Chief Counsel and other Federal agencies toward the orderly liquidation of EDA loans/guarantees.

5. Section 301.36 is revised to read as follows:

**§ 301.36 Management and Administration Directorate.**

The Management and Administration Directorate is headed by a Director who reports to the Deputy Assistant Secretary. The Director is responsible for providing the full range of administrative services and for management and organization analysis and evaluation functions. These functions are carried out through the Affirmative Action Officer, the Budget Division, the Management Analysis and Services Division, the Accounting Division, the Information Systems and Services Division, and the Personnel Management Division.

(a) The Affirmative Action Officer resolves discrimination complaints in accordance with the provisions of Title VII of the Civil Rights Act, and administers EDA's Affirmative Action Program.

(b) The Budget Division develops and prepares the annual budget for EDA; is responsible for the total financial program of EDA, and for the fiscal aspects of EDA programs entrusted to other Federal agencies; and reviews and monitors a fiscal control system for both program and administrative expenses consistent with the requirements of the Anti-Deficiency Act, which shall include, but not be restricted to allotment of funds, operating budgets, employment limitations, and analyses of reports and proposed actions relating thereto.

(c) The Management Analysis and Services Division conducts organizational and management studies and surveys; plans and conducts a program for achieving operational maximum economy, effectiveness, and efficiency and for obtaining optimum personnel utilization; develops and conducts a program for the efficient management of all official records, including an issuance system for administrative and program orders, and the design and control of official forms; and develops and administers a report control system for all administrative and operational reports. The Management Analysis and Services Division also provides, or arranges for administrative services for EDA headquarters and, as required, for the Regional Offices, including the procurement of administrative supplies, vehicle hire, furniture, equipment, and the distribution of printed and bound materials; evaluates, reports on, and

makes recommendations on the utilization of space, supplies, equipment, communications, and related services within EDA; and serves as liaison with the Office of the Secretary on administrative matters. In addition, the Management Analysis and Services Division, in conjunction with the Office of General Counsel, prepares or arranges for an appropriate response to all inquiries for Privacy Act or Freedom of Information requests.

(d) The Accounting Division develops and maintains accounting systems and prepares financial reports for internal and external use, according to the needs of management, the requirements of laws or regulations, and established policies; provides accounting support for effective control of all funds administered, to present accurately the status of the appropriated funds within the requirements of the Anti-Deficiency Act, and as required for good management by the program officials; analyzes financial and operating data to assure that financial and management policies are being followed; and serves as the liaison with the Office of the Secretary and other Federal Agencies in all accounting matters.

(e) The Information Systems and Services Division plans, develops, acquires, and coordinates the use of automatic data processing systems and equipment for EDA; provides data processing services, including the conduct of feasibility studies and the development of systems and programs for the application of automatic data processing techniques; develops and maintains a comprehensive information and data base system to meet specified requirements for administrative, planning, operational, program management, and program evaluation purposes; and provides periodic and special summary reports on current optional and performance comparisons to planned goals.

(f) The Personnel Management Division plans, organizes, and administers staffing services such as recruitment and placement, appointment, promotion, and separation; manages other personnel programs including employee relations, employee training and development, employee recognition and incentives, labor-management relations, position management and classification, and various employee services and benefits programs; maintains a processing and filing system for all personnel actions; and provides planning and administrative support to EDA's Equal Employment Opportunity programs.

6. Section 301.37 is revised to read as follows:

**§ 301.37 Office of the Chief Counsel.**

The Office of the Chief Counsel renders all necessary legal services, subject to the provisions of Department Organization Order 10-6; has primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Departmental Orders; and provides the legal services review required to administer all EDA projects.

**§§ 301.38-301.43 [Removed]**

7. Sections 301.38-301.43 are removed.

Authority: (Sec. 701, Pub. L. 89-136, 79 Stat. 570) (42 U.S.C. 3211). Sec. 1-105, E.O. 12185, DOC Organization Order 10-4, as amended (40 FR 56702, as amended).

Dated: November 19, 1982.

Charles S. Warner,  
Assistant Secretary for Economic  
Development.

[FR Doc. 82-33992 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-24-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 82-ASW-78; Amdt. 39-4512]

**Airworthiness Directive; Bell Model 214ST Helicopters**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) which requires repetitive inspections of the upper left tailboom attach longeron and installation of a reinforcement modification on Bell Model 214ST helicopters. The AD is needed to prevent failure of this longeron which could result in separation of the tailboom from the fuselage.

**DATE:** Effective December 23, 1982. Compliance schedule—As prescribed in body of AD.

**ADDRESSES:** The applicable Alert Service Bulletin may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. A copy of the Alert Service Bulletin is contained in the Rules Docket, Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington D.C. 20591, and the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

**FOR FURTHER INFORMATION CONTACT:** R. L. Filler, Helicopter Certification Branch, ASW-170, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 521.

**SUPPLEMENTARY INFORMATION:** The FAA has determined that fatigue failures of the upper left tailboom attach longeron, P/N 214-031-431-101, occurred on two Bell Model 214ST helicopters. One failure was found at 120 hours' total time in service and consisted of a crack in the longeron approximately 1½ inches long originating in the attaching pin hole just aft of the fairing attach bracket, P/N 214-031-700-129. The other failure occurred at 485 hours' total time in service and was identical to the first except that the crack extended completely across the longeron, separating it into two pieces. This second failure occurred in flight; however, the aircraft landed safely. Since this condition is likely to exist or develop on other helicopters of the same type design, an Airworthiness Directive is being issued which requires repetitive inspections of the longeron and installation of a modification which strengthens the longeron on Bell Model 214ST helicopters.

This AD requires daily inspection of the longeron and a more extensive repetitive inspection, involving removal of the aft fuselage/tailboom fairings, every 25 flight hours until the strengthening modification is installed. After this modification is accomplished, only the 25 hour inspection is required. This inspection may ultimately be deleted by revision to this AD after further substantiation of the strengthening modification is completed.

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

Approximately 15 aircraft could be affected by this AD for an estimated impact of \$21,000 or \$1,400 per aircraft, plus a cost of \$1.40 per flight hour for the continuing inspection.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

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

**Bell Helicopter Textron, Inc.:** Applies to Model 214ST helicopters certificated in all categories which have upper left tailboom attach longeron part number (P/N) 214-031-431-101 installed.

Compliance is required as indicated unless already accomplished.

To prevent possible separation of the tailboom from the fuselage due to failure of the upper left tailboom attach longeron, accomplish the following:

(a) Before the first flight of each day on those helicopters that have not had the longeron modification described in paragraph (d) below, inspect the aft portion of the upper left longeron, P/N 214-031-431-101, that is visible inside the oil cooler compartment and the portion visible inside the aft left electrical compartment for cracks.

(b) Within the next 5 hours' time in service after the effective date of this AD, unless already accomplished within the last 20 hours' time in service, and thereafter at intervals not to exceed 25 hours' time in service, perform the following inspection on those helicopters that have not had the longeron modification installed:

(1) Remove forward fairing assembly, P/N 214-061-866-113, and LH and RH fairing assemblies, P/N's 214-061-866-115 and -117.

(2) Visually inspect the aft end of the upper left longeron, P/N 214-031-431-101, immediately adjacent to and inboard of the pin, P/N 100-048-5-4, just aft of the fairing attach bracket, P/N 214-021-700-129. Inspect for a crack that may extend from the pin hole in the longeron across the longeron and forward.

(c) If the longeron is found to be cracked during the inspections of paragraphs (a) and (b) of this AD, replace it with a serviceable part and install the modification described in paragraph (d) below before further flight.

(d) Within the next 25 hours' time in service after the effective date of this AD or before the accumulation of 100 hours' total time in service, whichever occurs later, install a reinforcement modification to the longeron, P/N 214-031-431-101, installation. This reinforcement consists of the addition of a new support, P/N 214-031-454-101, and the replacement of a doubler, P/N 214-031-702-131, with a new doubler, P/N 214-031-643-101. Remove the attaching pin, P/N 100-048-5-4, that is installed in the most aft hole in the longeron outboard flange and plug the remaining hole with adhesive. Accomplish the reinforcement in accordance with Bell Helicopter Textron (BHT) Alert Service Bulletin No. 214ST-82-3, dated 10/25/82 or other FAA approved data.

(e) After installation of the longeron modification, conduct the following inspection at intervals not to exceed 25 flight hours:

(1) Remove forward fairing assembly, P/N 214-061-866-113, and LH and RH fairing assemblies, P/N's 214-061-866-115 and -117.

(2) Visually inspect the aft end of the longeron, P/N 214-031-431-101, immediately adjacent to and inboard of the service deck, P/N 214-031-702-101, for cracks. Also, inspect that portion of the longeron adjacent to the newly installed support that is visible inside the aft left electrical compartment and

that portion of the longeron that is visible inside the oil cooler compartment for cracks.

(f) Replace any cracked parts found during the inspections of paragraph (e) with serviceable parts.

(g) Any equivalent method of compliance with this AD must be approved by the Manager, Aircraft Certification Division, Federal Aviation Administration, 4400 Blue Mount Road, Fort Worth, Texas 76106.

(h) In accordance with FAR 21.197, flight is permitted to a base where the inspection required by this AD may be accomplished.

This amendment becomes effective December 23, 1982.

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

**Note.**—For the reasons discussed earlier the FAA has determined that this document involves a regulation that is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory 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."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on November 26, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-34716 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 82-ASO-58]

### Alteration of Control Zone, Bartow, Florida

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment alters the Bartow, Florida, control zone by revoking an exclusion associated with the Cypress Gardens Airport which has permanently closed. It will also correct the description of an arrival extension to coincide with an instrument approach procedure. No significant change in airspace designation is intended by this action.

**DATES:** Effective 0901 G.m.t., February 17, 1983. Comments must be received on or before January 20, 1983.

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

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

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

**SUPPLEMENTARY INFORMATION:**

**Request for Comments on the Rule**

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

**The Rule**

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke an exclusion which was predicated on the Cypress Gardens Airport which has been closed and to properly align the control zone arrival extension with the final approach course of the instrument approach procedure which serves the Bartow Municipal Airport. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective in less than 60

days after its publication in the Federal Register.

**List of Subjects in 14 CFR Part 71**

Aviation safety, Airspace, Control zone.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., February 17, 1983, as follows:

**Bartow Municipal Airport, FL [Amended]**

By deleting the words, " \* \* \* VORTAC 103° radial \* \* \* " and " \* \* \* \* excluding the area within a 1-mile radius of Cypress Gardens Airport (Lat. 27°57'35" N., Long. 81°42'00" W.) \* \* \* ", and substituting for them the words, " \* \* \* VORTAC 102° radial \* \* \* "

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

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

Issued in East Point, Georgia, on December 14, 1982.

**George R. LaCaille,**  
*Acting Director, Southern Region.*

[FR Doc. 82-34714 Filed 12-22-82; 6:45 am]

**BILLING CODE 4910-13-M**

**14 CFR Part 71**

[Airspace Docket No. 82-ASO-60]

**Alteration of Control Zone, Fort Knox, Kentucky**

**AGENCY:** Federal Aviation Administration (FAA), Dot.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment alters the Fort Knox, Kentucky, control zone by (1) revoking an arrival extension which is no longer required, (2) correcting the name of a navigational aid, (3) correcting the descriptions of two arrival extensions and (4) adding a provision to the description which will permit use of

the FAA's Notice to Airmen (NOTAM) system and the Airport/Facility Director (A/FD) to publicize the hours during which the control zone is effective.

**DATES:** Effective 0901 G.M.T., February 17, 1983. Comments must be received on or before January 30, 1983.

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

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

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

**SUPPLEMENTARY INFORMATION:**

**Request for Comments on the Rule**

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

**The Rule**

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke an arrival extension which was previously established to provide controlled airspace for containment of aircraft executing an instrument approach procedure to Godman AAF Runway 15. The approach procedure has been cancelled, thus, negating the need

for the arrival extension. The name of the Fort Knox RBN has been changed to Godman RBN and this change needs to be reflected in the description of the control zone. Due to realignment of final approach courses associated with instrument approach procedures serving the airport, the various radials upon which required arrival extensions are predicated also need to be revised. Weather reporting service, a requirement for retention of a control zone, is no longer available on a 24-hour basis at Godman AAF. Therefore, the status of the control zone must revert to part-time and the control zone will only be effective during those periods when weather reporting service is available. A provision is being added to the description of the control zone which will permit notification of changes in effective hours through use of the NOTAM system. After issuance of appropriate NOTAM's, the effective hours of the control zone will thereafter be listed in the A/FD. If future aeronautical activities indicate a change in effective hours is necessary and, if additional weather reporting service becomes available, such changes could be publicized in a rapid and effective manner to airspace users. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982. Under the circumstances presented, the FAA concludes that there is a need for a regulation to amend the description of the Fort Knox control zone to accomplish the changes outlined above. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary as this action reduces the burden on the public and that good cause exists for making this amendment effective in less than 60 days after its publication in the Federal Register.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., February 17, 1983, as follows:

#### Fort Knox Godman AAF, KY [Revised]

Within a 5-mile radius of Godman AAF (Lat. 37°54'27" N., Long. 85°58'21" W.); within 3 miles each side of the 354° bearing from Godman RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 360° and 170° radials, extending from the 5-mile radius zone to 8.5 miles north and south

of the VOR. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in East Point, Georgia, on December 13, 1982.

George R. LaCaille,  
Acting Director, Southern Region.

[FR Doc. 82-34713 Filed 12-22-82; 6:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 82-ASO-23]

#### Alteration of VOR Federal Airway V-11

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment alters VOR Federal Airway V-11 by redesigning the airway between Greene County, MS, and Jackson, MS. This change also revokes certain alternate airway segments associated with V-11 which are no longer needed for flight planning and renumbers other alternate airway segments that are retained in accordance with the International Civil Aviation Organization (ICAO) agreement to phase out alternate airway descriptions from the National Airspace System.

**EFFECTIVE DATE:** February 17, 1983.

**FOR FURTHER INFORMATION CONTACT:** George Hussey, Airspace Regulations and Obstructions Branch (ATT-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:

#### History

On July 29, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter VOR Federal Airway V-11 between Greene County, MS, and Jackson, MS (47 FR 32728). This change is necessary because of the planned decommissioning of the Laurel (LUL), MS, VOR, by separate nonrulemaking action (82-ASO-137NR), which now describes this portion of the airway. This rule is also intended to inform interested persons of this nonrulemaking action. This action also revokes V-11 east alternate between Dyersburg, TN, and Pocket City, IN, and V-11 west alternate between Brookley, AL, and Greene County, MS, and between Dyersburg, TN, and Cunningham, KY. These alternate airway segments are no longer needed for flight planning and their revocation will help reduce chart clutter. V-11 east alternate between Pocket City, IN, and Indianapolis, IN, and V-11 west alternate between Greenwood, MS, and Holly Springs, MS, are renumbered in support of ICAO agreement to phase out alternate airway descriptions from the National Airway System. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns V-11 between Greene County, MS, and Jackson, MS, revokes certain alternate airway segments and renumbers other alternate airways associated with V-11.

#### List of Subjects in 14 CFR Part 71

Federal airways, Aviation safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., February 17, 1983, as follows:

#### 1. V-11 [Revised]

From Brookley, AL; Greene County, MS; Jackson, MS; Greenwood, MS; Holly Springs, MS; Dyersburg, TN; Cunningham, KY; Pocket City, IN; Indianapolis, IN; Marion, IN; Fort Wayne, IN; Salem, MI; 6 miles wide to

INT Salem 052° and Windsor, ON, Canada, 335° radials.

2. V-305 [Amended]

By deleting the words "Cunningham, KY," and substituting for them the words "Cunningham, KY, via Pocket City, IN; INT Pocket City 048° and Bloomington, IN, 205° radials; Bloomington; INT Bloomington 025° and Indianapolis, IN, 185° radials; to Indianapolis."

3. V-535 [New]

From Greenwood, MS; INT Greenwood 010° and Holly Springs, MS, 225° radials; Holly Springs.

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

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Issued in Washington, D.C., on December 16, 1982.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-34717 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 82-AWA-3]

#### Alteration and Designation of VOR Federal Airways; Correction

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Correction to final rule.

**SUMMARY:** Airspace Docket 82-AWA-3 was published in the *Federal Register* on September 23, 1982 (47 FR 41946), that amended the descriptions of several airways in the vicinity of Dickinson, ND. A mistake was noted in the description of the new V-510 between Gopher, MN, and Nodine, MN, and this action makes that correction.

**EFFECTIVE DATE:** December 23, 1982.

**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:

##### History

FR Doc. 82-26002 was published on September 23, 1982, (47 FR 41946), that designated new VOR Federal Airway V-510 from Dickinson ND, to Rochester, NY. An error was noted in the alignment of the segment between Gopher, MN, and Nodine, MN, and this action corrects that mistake.

##### List of Subjects in 14 CFR Part 7

Aviation safety, VOR Federal airways.

##### Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, *Federal Register* Document 82-26002, as published in the *Federal Register* on September 23, 1982, is corrected as follows:

##### V-510 [Amended]

By deleting the words beginning in line 8 "Gopher 116° and Nodine, MN, 328° radials; and substituting for them the words "Gopher 109° and Nodine, MN, 328° radials;"

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

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

Issued in Washington, D.C., on December 16, 1982.

B. Keith Potts,

Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-34712 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91-100]

#### Emergency Air Traffic Regulations Issued Under Section 91.100 of the Federal Aviation Regulations

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Update of emergency air traffic regulations.

**SUMMARY:** Section 91.100 of the Federal Aviation Regulations (FAR) (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document provides notice of regulations already adopted that were immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91-100, emergency regulations implementing Special Federal Aviation Regulation (SFAR) No. 44, as amended, that were necessary to respond to a shortage in air traffic control personnel.

**DATES:** Effective Date/Time: As stated in each regulation listed.

**ADDRESSES:** Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

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

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that the conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more

frequently, as air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100, comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

#### Effect of Publication

Publication, in the *Federal Register*, of emergency air traffic regulations issued under § 91.100 provides constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published periodically if the need for their adoption continues.

#### Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the *Federal Register*, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic

Division offices prior to *Federal Register* publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

#### Air Traffic Controller Shortage: SFAR No. 44, as Amended

The air traffic regulations listed in this amendment to Notice 91-100 follow the adoption of SFAR Nos. 44 through 44-5, in response to an organized air traffic controller job action. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100.

#### Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations that are not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they were issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

#### List of Subjects in 14 CFR Part 91

Air traffic control, Airspace, Aviation safety.

#### Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted and covered by NOTAMs under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1055(c)))

In consideration of the foregoing, section 2 of Notice 91-100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC No. 2/2147.

#### Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR-44, as Amended; Docket No. 21022A)

\* \* \* \* \*

FDC 2/2078 Cancel FDC 2/1662.

FDC 2/2200 *Emergency Flight Rules*—IFR Flight Plan Filing/General Aviation Reservation Rule effective September 20, 1982, 0600 Local Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the IFR Flight Plan Filing/General Aviation Reservation Rule (GAR). Intra-ARTCC operations may now be conducted within Washington ARTCC's airspace without a reservation.

Accordingly, pursuant to SFAR No. 44, as amended, and Federal Aviation Regulation Section 91.100, the following regulation is effective in the 20 conterminous ARTCC areas to provide for the orderly handling and safe movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above, are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare

Airports during periods when reservations are required by Subpart K of FAR Part 93—High Density Rule.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Operations affecting certain ARTCC's are as follows:

*Intra-ARTCC:* Albuquerque, Seattle, Salt Lake, and Washington

*Inter-ARTCC:* Seattle-Salt Lake City

5. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

*FDC 2/2263* Cancel *FDC 2/2040*.

*FDC 2/2390 Emergency Flight Rules—IFR Flight Plan Filing/General Aviation Reservation Rule* effective September 30, 1982, 0600 Local Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the General Aviation Reservation (GAR) rule with respect to certain operations. Beginning October 4, turboprop aircraft operations will be permitted in the Boston ARTCC airspace without reservations. On October 18, Jacksonville and Atlanta Centers will allow intra-ARTCC operations without reservations. On November 22, Memphis Center will accept intra-ARTCC operations without reservations. However, existing restrictions under the GAR rule remain in effect for operations from airports that are capacity controlled by SFAR No. 44-5.

Accordingly, pursuant to SFAR No. 44, as amended, and § 91.100 of the FARs, the following regulation is effective immediately, unless otherwise specified:

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare Airports during periods when reservations are required by Subpart K of FAR Part 93—High Density Traffic Airports.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more than the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Inter-ARTCC flights within the Seattle and Salt Lake City ARTCC airspace.

L. Intra-ARTCC flights—

(1) effective immediately, operations in the Albuquerque, Seattle, Salt Lake City, or Washington ARTCC airspace;

(2) effective October 4, 1982, 0600 local time, turboprop operations in the Boston ARTCC airspace;

(3) effective October 18, 1982, 0600 local time, operations in the Jacksonville or Atlanta ARTCC airspace;

(4) effective November 22, 1982, 0600 local time, operations in the Memphis ARTCC airspace.

5. For the purpose of this rule, the term intra-ARTCC flights does not mean flight from—

A. The William B. Hartsfield Atlanta International Airport (ATL).

B. General Edward Lawrence Logan International Airport (BOS).

6. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

Cancel *FDC 2/2200*.

*FDC 2/2552* Cancel *FDC 2/1999*.

*FDC 2/2560* Cancel *FDC 2/2147*.

*FDC 2/2797 Emergency Flight Rules—IFR Flight Plan Filing/General Aviation Reservation Rule* effective November 29, 1982, 1645 Greenwich time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the General Aviation Reservation Rule (GAR) with respect to certain operations. On December 13, Kansas City ARTCC will accept intra-ARTCC operations without reservation. However, existing restrictions under the GAR rule remain in effect for operations from airports that are capacity controlled by SFAR No. 44-5.

Accordingly, pursuant to SFAR No. 44, as amended, and § 91.100 of the Federal Aviation Regulations, the following regulation is effective immediately, unless otherwise specified:

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare Airports during periods when reservations are required by Subpart K of FAR Part 93—High Density Traffic Airports.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more than the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Inter-ARTCC flights within the Seattle and Salt Lake City ARTCC airspace.

L. Intra-ARTCC—

(1) effective immediately, flights in the Albuquerque, Memphis, Jacksonville, Atlanta, Seattle, Salt Lake City, or Washington ARTCC airspace;

(2) effective immediately, turboprop flights in the Boston ARTCC airspace; and

(3) effective December 13, 1982, 0600 local time, flights in the Kansas City ARTCC airspace;

5. For the purpose of this rule, the term intra-ARTCC flights does not mean flight from—

A. The William B. Hartsfield Atlanta International Airport (ATL).

B. General Edward Lawrence Logan International Airport (BOS).

C. Lambert-St. Louis International Airport (STL).

6. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

Cancel *FDC NOTAM 2/2390*.

*FDC 2/2824* Cancel *FDC 2/2037*.

Issued in Washington, DC, on December 15, 1982.

R. J. Van Vuren,  
Director, Air Traffic Service.

[FR Doc. 82-34710 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 97

[Docket No. 23472; Amdt. No. 1232]

**Standard Instrument Approach Procedures; Miscellaneous Amendments****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

*For Purchase—*

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs

is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

**List of Subjects in 14 CFR Part 97**

Approaches, Standard instrument, Aviation safety.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

\* \* \* *Effective February 17, 1983*

Galena, AK—Galena, VOR Rwy 25, Amdt. 8.

Galena, AK—Galena, VOR/DME or TACAN Rwy 7, Amdt. 5

King Salmon, AK—King Salmon, VOR or TACAN Rwy 11, Amdt. 11

King Salmon, AK—King Salmon, VOR/DME or TACAN Rwy 29, Amdt. 8

Paris, IL—Edgar County, VOR/DME-A, Amdt. 3

Lafayette, IN—Aretz, VOR-C, Original Louisville, KY—Bowman Field, VOR Rwy 14, Amdt. 6

Maryville, MO—Maryville Meml, VOR/DME Rwy 36, Amdt. 1

Sikeston, MO—Sikeston Meml Muni, VOR Rwy 20, Amdt. 1

Galion, OH—Galion Muni, VOR Rwy 23, Amdt. 9

Marion, OH—Marion Muni, VOR Rwy 24, Amdt. 2

Millersburg, OH—Holmes County, VOR-A, Amdt. 3

Aberdeen, SD—Aberdeen Regional, VOR/DME or TACAN Rwy 13, Amdt. 8

Aberdeen, SD—Aberdeen Regional, VOR Rwy 31, Amdt. 16

\* \* \* *Effective February 3, 1983*

Hawesville, KY—Hancock Airfield, VOR Rwy 15, Amdt. 3

Hawesville, KY—Hancock Airfield, VOR Rwy 33, Amdt. 2

Aburn-Lewiston, ME—Auburn-Lewiston Muni, VOR/DME-A Original

Boston, MA—General Edward Lawrence Logan Intl, VOR Rwy 33L, Amdt. 17

Ogallala, NE—Searle Field, VOR Rwy 8, Amdt. 1

Ogallala, NE—Searle Field, VOR Rwy 26, Amdt. 1

Ardmore, OK—Downtown Ardmore, VOR-A, Amdt. 9

Allentown, PA—Allentown Queen City Muni, VOR-B, Amdt. 4

Culpeper, VA—Culpeper Muni T. I. Martin Field, VOR-A, Amdt. 3

\* \* \* *Effective December 10, 1982*

Mt. Holly, NJ—Burlington County Airport, VOR Rwy 26, Amdt. 1

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

\* \* \* Effective February 17, 1983

King Salmon, AK—King Salmon, LOC/DME (BC) Rwy 29, Amdt. 1  
Moline, IL—Quad-City, LOC Rwy 27, Amdt. 3  
Aberdeen, SD—Aberdeen Regional, LOC/DME BC Rwy 13, Amdt. 5

\* \* \* Effective January 20, 1983

Indianapolis, IN—Eagle Creek Airpark, LOC Rwy 21, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

\* \* \* Effective February 17, 1983

Galena, AK—Galena, NDB-A, Amdt. 14  
King Salmon, AK—King Salmon, NDB Rwy 11, Amdt. 2  
Moline, IL—Quad-City, NDB Rwy 9, Amdt. 25  
Paris, IL—Edgar County, NDB Rwy 27, Amdt. 5

Hutchinson, KS—Hutchinson Muni, NDB Rwy 13, Amdt. 12  
Thief River Falls, MN—Thief River Falls Regional, NDB Rwy 31, Original  
Thief River Falls, MN—Thief River Falls Regional, NDB Rwy 31, Amdt. 1, cancelled  
Brookfield, MO—Brookfield Memorial, NDB Rwy 35, Amdt. 1  
Brookfield, MO—Brookfield Memorial, NDB-A, Amdt. 1

Charleston, MO—Mississippi County, NDB Rwy 36, Amdt. 2  
Maryville, MO—Maryville Meml, NDB Rwy 14, Original  
Marion OH—Marion Muni, NDB Rwy 12, Amdt. 7  
Millersburg, OH—Holmes County, NDB Rwy 27, Amdt. 2  
Aberdeen, SD—Aberdeen Regional, NDB Rwy 31, Amdt. 6  
Britton, SD—Britton Muni, NDB Rwy 13, Amdt. 1  
Miller, SD—Miller Muni, NDB Rwy 13, Amdt. 1

\* \* \* Effective February 3, 1983

Clanton, AL—Cragg-Wade Field, NDB Rwy 26, Original  
Michigan City, IN—Michigan City, NDB Rwy 20, Amdt. 11, cancelled  
Michigan City, IN—Michigan City, Muni NDB Rwy 23, Amdt. 3, cancelled  
Lexington, KY—Blue Grass, NDB Rwy 4, Amdt. 14  
Gaithersburg, MD—Montgomery County Arpk, NDB-A, Amdt. 1  
Detroit, MI—Willow Run, NDB Rwy 5R, Amdt. 7  
Ludington, MI—Mason County, NDB Rwy 25, Amdt. 5  
Ogallala, NE—Searle Field, NDB Rwy 8, Amdt. 4  
Ogallala, NE—Searle Field, NDB Rwy 26, Amdt. 3  
Ardmore, OK—Downtown Ardmore, NDB Rwy 35, Amdt. 1

\* \* \* Effective January 20, 1983

Indianapolis, IN—Eagle Creek Airpark, NDB Rwy 21, Original  
Platteville, WI—Grant County, NDB Rwy 25, Original  
Platteville, WI—Grant County, NDB Rwy 25, Amdt. 4, cancelled

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

\* \* \* Effective February 17, 1983

King Salmon, AK—King Salmon, ILS Rwy 11, Amdt. 14  
Moline, IL—Quad-City, ILS Rwy 9, Amdt. 25  
Hutchinson, KS—Hutchinson Muni, ILS Rwy 13, Amdt. 12  
Thief River Falls, MN—Thief River Falls Regional, ILS Rwy 31, Original  
Aberdeen, SD—Aberdeen Regional, ILS Rwy 31, Amdt. 6

\* \* \* Effective February 3, 1983

Lexington, KY—Blue Grass, ILS Rwy 4, Amdt. 8  
Lexington, KY—Blue Grass, ILS Rwy 22, Amdt. 4

\* \* \* Effective January 20, 1983

Norfolk, VA—Norfolk Intl, ILS Rwy 5, Amdt. 18

\* \* \* Effective December 10, 1982

Charlotte Amalie, St. Thomas, VI—Harry S. Truman, ILS Rwy 9, Amdt. 6

5. By amending § 97.31 RADAR SIAPs identified as follows:

\* \* \* Effective February 17, 1983

Moline, IL—Quad-City, RADAR-1, Amdt. 5

\* \* \* Effective February 3, 1983

Des Moines, IA—Des Moines Muni, RADAR-1, Amdt. 14  
Lexington, KY—Blue Grass, RADAR-1, Amdt. 7

6. By amending § 97.33 RNAV SIAPs identified as follows:

\* \* \* Effective February 17, 1983

Moline, IL—Quad-City, RNAV Rwy 30, Amdt. 7

\* \* \* Effective February 3, 1983

Clinton, IA—Clinton Muni, RNAV Rwy 21, Amdt. 6, cancelled  
Houma, LA—Houma-Terrebonne, RNAV Rwy 17, Amdt. 1  
Houma, LA—Houma-Terrebonne, RNAV Rwy 35, Amdt. 1  
Ardmore, OK—Downtown Ardmore, RNAV Rwy 17, Amdt. 1  
Ardmore, OK—Downtown Ardmore, RNAV Rwy 35, Amdt. 1  
Allentown, PA—Allentown Queen City Muni, RNAV Rwy 7, Original  
(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA

certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on December 17, 1982.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 82-34708 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 3

#### Registration

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Statement of staff interpretative position.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission") is publishing an interpretative letter which sets forth the position of the staff of its Division of Trading and Markets regarding the availability of the Commission's no-action position with respect to certain applicants for registration as associated persons ("APs"). The Commission recently determined not to take any enforcement action against any applicant for registration as an AP, based solely on the failure to be registered as such, if the individual's application for registration was received by the Commission on or before November 18, 1982 and if certain other specified conditions are met, including that the Futures Commission Merchant (FCM) with whom the applicant will be associated as an AP is currently registered with the Securities and Exchange Commission ("SEC") as a broker or dealer and is also a member of the National Association of Securities Dealers, Inc. ("NASD"). 47 FR 53764 (November 29, 1982). Specifically, the letter expresses the Division's view that the availability of the Commission's no-action position is not affected solely because the FCM with whom an applicant will be associated as an AP through an agent of the FCM upon being granted registration is not currently registered with the SEC as a broker or dealer and is not currently a member of the NASD where, among other things, the agent of the FCM meets those two conditions. The Commission is publishing the Division's interpretative

position in the Federal Register to provide affected persons and the public with notice thereof.

**FOR FURTHER INFORMATION CONTACT:** Theodore W. Urban, Deputy Director, or David S. Mitchell, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** On December 17, 1982, the Division of Trading and Markets issued the following letter which sets forth its view regarding the availability of the Commission's recently adopted no-action position with respect to certain applicants for registration as APs:

Re: *Petition for Exemption from a Requirement of the Commission's No-action Position*

Dear: —: This is in response to your letter dated December 9, 1982 to Ms. Andrea M. Corcoran. Pursuant to Rule 3.12(g), 17 CFR 3.12(g) (1982), your request, on behalf of "X", a registered futures commission merchant ("FCM"), that an exemption be granted from one of the requirements of the Commission's recently adopted no-action position with respect to certain applicants for registration as associated persons ("APs").<sup>1</sup> This request was incorporated in the written certification required for such a no-action position with respect to "Y," an applicant for registration as an AP, who you stated will be associated with "X" as an AP of a designated agent of the firm, "Z."

As you know, the Commission has determined not to take any enforcement action with respect to an applicant for registration as an AP, based solely on the failure to be registered as such, if the individual's application for registration was received by the Commission on or before November 18, 1982 and if certain other specified conditions are met, including that the FCM with whom the applicant will be associated as an AP is currently registered with Securities and Exchange Commission ("SEC") as a broker or dealer and is also a member of the National Association of Securities Dealers, Inc. ("NASD").<sup>2</sup> In this connection, it appears that your letter sets forth each of the elements of the certification required for the no-action position, except as to the fact that "X" is not currently registered with the SEC as a broker or dealer and is not currently a member of the NASD.

This is to advise you of the Division's view that the availability of the Commission's no-action position with respect to "Y's" registration as an AP is not affected solely because "X," the FCM with whom he will be associated as an AP through "Z" (an agent of

"X") upon being granted registration, is not currently registered with the SEC as a broker or dealer or a member of the NASD. This view is based upon, among other things, the facts that: (1) The Commission's no-action position is available to any applicant for registration as an AP who meets certain specified conditions, whether he will be associated with an FCM directly or with an FCM through an agent of the FCM; (2) "Z," the agent of "X" with whom "Y" will be associated, is currently registered with the SEC as a broker or dealer and is a member of the NASD; (3) "Y" is currently a registered representative or registered principal of "Z"; and (4) "Y" (and "Z") have previously been determined by the NASD, under screening procedures similar to those of the Commission, to be fit to engage in the securities business and remain in good standing as registrants and/or members of the NASD. Accordingly, enclosed please find confirmation of the effectiveness of a no-action position with respect to "Y's" registration as an AP.

The view expressed in this letter is based upon the facts set forth in your December 9, 1982 letter and upon our understanding of those facts. Any changed, different or omitted facts might require us to reach a different conclusion. Also, the view expressed in this letter is solely that of the Division of Trading and Markets and does not necessarily represent the view of the Commission or that of any other unit of the Commission's staff.

Very truly yours,

Theodore W. Urban,  
Deputy Director.

Dated: December 17, 1982.

By the Division of Trading and Markets.

Theodore W. Urban,  
Deputy Director, Division of Trading and Markets.

[FR Doc. 82-34733 Filed 12-22-82; 8:45 am]  
BILLING CODE 6351-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 240

#### Separate Reports of Other Accountants; Amendments to Proxy Rules and Regulation S-X

##### CFR Correction

At 46 FR 40872, August 13, 1981, a document was published in the Federal Register revising paragraph (b)(1) of § 240.14a-3, and paragraph (a)(1) of § 240.14c-3. Each of these revised paragraphs were followed by two notes. In Title 17, Code of Federal Regulations, revised as of April 1, 1982, on pages 138 and 170, the second note was

<sup>2</sup>In this connection, we note that Section 4k(1) of the Commodity Exchange Act, as amended, 7 U.S.C. 6K(1) (1976), which contains the requirement that an AP register with the Commission as such, recognizes that an AP may be associated with an FCM either directly or through an agent of the FCM.

inadvertently omitted from § 240.14a-3(b)(1) and § 240.14c-3(a)(1) respectively. These two notes should appear as follows:

#### PART 240—[AMENDED]

##### § 240.14a-3 Information to be furnished to security holders.

(b)(1) \* \* \*

Note 2.—If the financial statements for a period prior to the most recently completed fiscal year have been examined by a predecessor accountant, the separate report of the predecessor accountant may be omitted in the report to security holders provided the registrant has obtained from the predecessor accountant a reissued report covering the prior period presented and the successor accountant clearly indicates in the scope paragraph of his report (a) that the financial statements of the prior period were examined by other accountants, (b) the date of their report, (c) the type of opinion expressed by the predecessor accountant and (d) the substantive reasons therefor, if it was other than unqualified. It should be noted, however, that the separate report of any predecessor accountant is required in filings with the Commission. If, for instance, the financial statements in the annual report to security holders are incorporated by reference in a Form 10-K, the separate report of a predecessor accountant shall be filed in Part II or in Part IV as a financial statement schedule.

##### § 240.14c-3 Annual report to be furnished security holders.

(a)(1) \* \* \*

Note 2.—If the financial statements for a period prior to the most recently completed fiscal year have been examined by a predecessor accountant, the separate report of the predecessor accountant may be omitted in the report to security holders provided the registrant has obtained from the predecessor accountant a reissued report covering the prior period presented and the successor accountant clearly indicates in the scope paragraph of his report (a) that the financial statements of the prior period were examined by other accountants, (b) the date of their report (c) the type of opinion expressed by the predecessor accountant and (d) the substantive reasons therefor, if it was other than unqualified. It should be noted however, that the separate report of any predecessor accountant is required in filings with the Commission. If, for instance, the financial statements in the annual report to security holders are incorporated by reference in a Form 10-K, the separate report of a predecessor accountant shall be filed in Part II or in Part IV as a financial statement schedule.

BILLING CODE 1505-01-M

<sup>1</sup>The Division has determined to treat your petition for an exemption as a request for an interpretative position.

<sup>2</sup>Item #3 of the written certification required for the no-action position provides in pertinent part that "the FCM is currently registered with the SEC as a broker or dealer and is also a member of the NASD \* \* \*." 47 FR 53764 (November 29, 1982). (Footnote omitted.)

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

## 18 CFR Part 2

[Docket No. PL83-1-000]

Take or Pay Provisions in Gas  
Purchase Contracts; Statement of  
Policy

Issued: December 16, 1982.

AGENCY: Federal Energy Regulatory  
Commission, DOE.

ACTION: Statement of policy.

**SUMMARY:** Recognizing that take-or-pay contract obligations may be shielding the prices of deregulated and other higher cost gas from market constraints, the Commission is announcing its general policy by adding a new § 2.103 to its regulations regarding prepayments for natural gas pursuant to take or pay provisions in gas contracts and amendments thereto between producers and interstate pipelines which become effective December 23, 1982. With respect to such contracts, the Commission intends to apply a rebuttable presumption in general rate cases that prepayments to producers will not be given rate base treatment if the prepayments are made pursuant to take or pay requirements in such gas contracts or amendments which exceed 75 percent of annual deliverability.

DATE: Effective on December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Gross, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426; (202) 357-8033.

**SUPPLEMENTARY INFORMATION:** The Federal Energy Regulatory Commission (Commission) announces its general policy regarding prepayments for natural gas pursuant to take or pay provisions in natural gas purchase contracts and amendments thereto between producers and interstate pipelines which become effective on or after the effective date of this Statement of Policy. The Commission intends to apply a rebuttable presumption in general rate cases under sections 4 and 5 of the Natural Gas Act (NGA) that take or pay payments to producers which are made pursuant to requirements in such contracts in excess of 75 percent of annual deliverability are inappropriate and should not be given rate base treatment. In addition, the Commission will continue to review the extent of its other authority, if any, to

deal with excessive take or pay payments under existing contracts.

The purpose of this policy statement is to provide guidance as to how the Commission intends to treat future prepayments in general section 4 or 5 rate cases. The Commission is mindful that a general policy statement does not have the force and effect of law. Rather, it is an articulation of the Commission's tentative intentions which will be followed unless circumstances demonstrate the policy to be inappropriate. In particular cases, both the underlying validity of the policy and its application to particular facts may be challenged and are subject to further consideration. This general policy is being codified in Part 2 (General Policy and Interpretations) of the Commission's regulations by adding new § 2.103.

## I. Introduction

The Commission is aware that currently, as a general matter, wholesale and retail gas prices are rising rapidly at the same time that demand for natural gas at the user level is falling. Numerous commenters in recent Commission proceedings<sup>1</sup> have stated that demand for natural gas has dropped due to a number of factors, including conservation and the state of the economy. They also allege that the current high prices for gas have prompted large industrial and commercial users who have the ability to use other energy sources to switch to cheaper, alternative fuels. At the same time, wholesale gas prices have only slowly and reluctantly responded to the decreased demand. Traditional economic theory of supply and demand would suggest a more rapid response than has occurred. Many commenters allege that the high take or pay obligations interstate pipelines have agreed to in gas purchase contracts for natural gas subject to section 107 of the Natural Gas Policy Act of 1978 (NGPA) have kept gas prices from responding to market forces.

The Commission is aware that many interstate pipelines have agreed to large take or pay obligations—as much as 95 percent of contract deliverability. This has particularly been the case with contracts for gas where the first sale price is deregulated pursuant to NGPA section 107(c)(1)-(4) or where the Commission has set an incentive price under section 107(c)(5). The Commission

<sup>1</sup> See comments submitted in response to the Notice of Inquiry, "Impact of NGPA on Current and Projected Natural Gas Markets," Docket No. RM82-28, issued April 28 1982 (NOI); comments submitted at the Public Conference, "Review of Off-System Sales Program," Docket No. GP82-47, November 4-5, 1982.

is also aware that the pricing provisions of conventional gas purchase contracts do not permit downward pricing flexibility. Since pipelines cannot respond to declining prices of competitive fuels as well as declining demand, additional load loss may well be expected. Under these circumstances, high take or pay obligations can also be expected to aggravate counter-market behavior by influencing pipelines to take and sell high cost gas while cutting back takes of lower cost gas. The result is higher prices for consumers, while reducing the take or pay liability for the pipeline. These behavioral expectations may well explain, at least in part, the counterintuitive phenomenon of falling demand, surpluses of supply, but rising prices. A recent GAO report describes this phenomenon as follows:

[T]he pipeline can add the "pre-payments" to a specified account in its rate base and earn a rate of return on them. Therefore, to maintain cash flow, a pipeline may prefer to buy more expensive gas and recover its costs semi-annually, but incur any "pre-payments" on less expensive gas and recover these costs later. To the extent that "take-or-pay" and other contract clauses influence a pipeline to buy more expensive gas and forgo less expensive gas, such clauses will contribute to an increase in the pipeline's average gas costs.<sup>2</sup>

## II. Future Prepayments

Because of its concern for problems such as those sketched above, the Commission recently ordered that a pipeline's purchasing practices should be considered an issue in a general section 4 rate case.<sup>3</sup> While the Commission notes with favor that a number of pipelines have recently exercised market-out provisions in gas purchase contracts for high cost gas or are renegotiating pricing and other contract terms, the Commission also believes that it should provide guidance as to the level of future prepayments that will be accorded rate treatment in general section 4 and 5 rate cases. With such guidance, parties presently involved in negotiating or renegotiating contracts will have the benefit of the Commission's preliminary judgments about the rate consequences of these new contracts.

With respect to such new contracts, the Commission intends to apply a rebuttable presumption in general rate cases that future prepayments to producers which meet the following

<sup>2</sup> GAO Report entitled "Natural Gas Price Increases: A Preliminary Analysis," GAO/RCED-83-76, December 9, 1982 at 20.

<sup>3</sup> Tennessee Gas Pipeline Company, Order Denying Rehearing, Docket Nos. TA82-2-9-000, et al., issued October 1, 1982, 21 FERC ¶ 61,004.

criteria should not be given rate base treatment:

(1) The prepayments are made pursuant to take or pay requirements in gas purchase contracts or amendments which provide for take or pay liability in excess of 75 percent of annual deliverability from the relevant wells; and

(2) The gas purchase contract was entered into on or after the effective date of this Statement of Policy. Since the Commission's purpose is to encourage producer and pipeline cooperation in developing appropriate pricing and other contract terms which are sensitive to market factors, this general policy is limited to contracts or amendments which are entered into on or after the effective date of this Statement of Policy.

By selecting the 75 percent limitation, the Commission has attempted to balance the need for pipeline flexibility in responding to changing market conditions against the need to assure a cash flow to producers to cover their costs. However, the Commission's choice of 75 percent as the outside limit for affording rate base treatment to prepayments should *not* be construed as Commission policy that 75 percent is also a floor and that lower take or pay obligations are inappropriate. The Commission is aware that some pipelines and producers have agreed to lower take or pay requirements, and the Commission encourages such actions.

### III. Other Potential Commission Responses

In addition, the Commission will continue its ongoing investigation to determine the extent of its authority, if any, to deal with existing take or pay payments and to determine whether any action should be taken. For example, numerous commenters to the NOI argued that the Commission has authority under various sections of the NGA and NGA to prevent the operation, or otherwise modify the treatment, of take or pay provisions in existing as well as future contracts. Some state that the Commission has interpreted its authority under section 601(c)(2) of the NGA too narrowly and urge the Commission to expand its interpretation to hold that excessive take or pay requirements constitute an "abuse" of section 601(c)(2) and that the Commission, therefore, has authority to deny passthrough of purchased gas costs associated with those contract provisions.<sup>4</sup>

<sup>4</sup> See, e.g., comments filed in Docket No. RM82-26 by Consolidated Edison Company of New York, Inc. (at 5), Process Gas Consumers Group, et al. (at 70-

Others argue that the Commission has broad authority under sections 4, 5 and 7 of the NGA to override or limit the operation of contract terms if the Commission finds the terms to be contrary to the public interest.<sup>5</sup> An argument has also been made that take or pay payments violate the maximum lawful prices under Title I of the NGA.<sup>6</sup>

On the other hand, many commenters argue that the Commission lacks authority to alter existing nonprice contractual terms, citing the "Mobile-Sierra" doctrine and other judicial precedents.<sup>7</sup> They also state that the Commission's current interpretation of its authority under NGA section 601(c)(2) is accurate and that Congress did not intend the Commission to prevent the passthrough of maximum lawful prices except in very limited circumstances.<sup>8</sup>

The Commission has not come to any final conclusions as to whether it has authority to modify the operation of existing take or pay provisions or to affect the passthrough of costs associated with these contract provisions. Furthermore, the Commission has not determined whether any action would be appropriate, assuming such authority exists. Hence, at this time, the Commission is taking only those actions, as reflected in this Statement of Policy and other ongoing Commission proceedings, which are clearly within our authority.

It should be noted that as part of its continuing efforts to review the cost of gas to consumers, the Commission is also considering the propriety of revising its current procedures concerning pipeline treatment of prepayments generally. Pipelines are now permitted to include take or pay prepayments in Account 165, and they may be afforded rate base treatment over a period no longer than five years. By including these amounts in the rate

76), the Public Service Commission of the District of Columbia (at 123), and the Pennsylvania Public Utility Commission (at 7-8).

<sup>5</sup> See, e.g., comments filed in Docket No. RM82-26 by the Associated Gas Distributors (at 22-26), Terra Chemicals International, Inc. (at 7), Process Gas Consumers Group, et al. (at 67-69), and the National Association of Regulatory Utility Commissioners (at 7-8).

<sup>6</sup> See, e.g., comments filed in Docket No. RM82-26 by the American Gas Association (at 26-27), Associated Gas Distributors (at 17), Transcontinental Gas Pipe Line Corporation (at 4-5), and Public Power Group (at 23).

<sup>7</sup> See, e.g., comments filed in Docket No. RM82-26 by Tennessee Gas Pipeline Company (at 25-27), Indicated Producers (at 96-121), and Northern Natural Gas Company (at 7-9).

<sup>8</sup> See, e.g., comments filed in Docket No. RM82-26 by Transcontinental Gas Pipeline Corporation (at 15) and Columbia Gas Transmission Corporation (at 11-12).

base, pipelines are allowed a return and associated taxes on such amounts. This treatment may be more expensive to consumers<sup>9</sup> than if prepayments were financed through debt arrangements, and the pipelines were allowed to recover debt costs. We recognize that any change in our present rate treatment would at least require us to consider the practical consequences of regulatory lag and timing differences. However, we intend to pursue this option.

In accordance with section 553(b) of the Administrative Procedure Act (5 U.S.C. 553) (APA), the Commission finds that public notice and comment are unnecessary. In accordance with section 553(d) of the APA, this Statement of Policy is effective December 23, 1982.

(Natural Gas Act, 15 U.S.C. 717-717w; Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, 15 U.S.C. 3301-3432)

### List of Subjects in 18 CFR Part 2

Administrative practice and procedure, Electric power, Environmental impact statements, Natural gas, Pipelines.

In consideration of the foregoing, Part 2 of Subchapter A, Chapter 1, Title 18 Code of Federal Regulations, is amended as set forth below, effective the date of publication in the Federal Register.

By the Commission,  
Lois D. Cashell,  
Acting Secretary.

### PART 2—[AMENDED]

1. The Table of Contents for Part 2 is amended by adding a new § 2.103 to follow § 2.102 to read as set forth below:

2.103 Statement of policy respecting take or pay provisions in gas purchase contracts.

2. Part 2 is amended by adding a new § 2.103 to read as follows:

#### § 2.103 Statement of policy respecting take or pay provisions in gas purchase contracts.

(a) Recognizing that take or pay contract obligations may be shielding the prices of deregulated and other higher cost gas from market constraints, the Commission sets forth its general policy regarding prepayments for natural gas pursuant to take or pay provisions in gas contracts and amendments thereto between producers and interstate pipelines which become effective December 23, 1982. The provisions of this policy statement do not establish a binding norm but instead provide general guidance. In particular

<sup>9</sup> See comments filed in Docket No. RM82-26 by Process Gas Consumers Group (at 67-68).

cases, both the underlying validity of the policy and its application to particular facts may be challenged and are subject to further consideration.

(b) With respect to gas purchase contracts entered into on or after December 23, 1982, the Commission intends to apply a rebuttable presumption in general rate cases that prepayments to producers will not be given rate base treatment if the prepayments are made pursuant to take or pay requirements in such gas purchase contracts or amendments which exceed 75 percent of annual deliverability.

[FR Doc. 82-34870 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

### 18 CFR Part 3

#### Freedom of Information Act Fees; Correction

December 15, 1982.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; technical correction.

**SUMMARY:** This document makes technical corrections to the Final Rule issued May 19, 1982, in Docket No. RM81-40, that appeared in the *Federal Register* on May 27, 1982 (47 FR 23148). The action is necessary to conform the Freedom of Information Act Fees regulations to the redesignation of the Public Information and Requests regulations published on May 3, 1982 (47 FR 19014).

**FOR FURTHER INFORMATION CONTACT:** Maureen F. Thompson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8529.

**SUPPLEMENTARY INFORMATION:** The following technical corrections are made in FR Doc. 82-14377, beginning on page 23148 of the issue of May 27, 1982.

#### PART 3—[AMENDED]

##### § 3.8 [Corrected]

1. In the parenthetical between the heading and the text of § 3.8, at 47 FR 23149, the reference to "§ 1.36" is corrected to read "Part 388."

2. In paragraph (k)(1)(i) of § 3.8, at 47 FR 23149, the reference to "§ 1.36" is corrected to read "Part 388."

3. In paragraph (k)(5)(iii) of § 3.8, at 47

FR 23150, the reference to "§ 1.36" is corrected to read "Part 388."

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34823 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

### 18 CFR Part 271

[Docket No. RM79-76-123 (Colorado-26)]

#### Colorado; High-Cost Gas Produced From Tight Formations; Correction

December 15, 1982.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an earlier correction of a final rule that concerned high-cost gas produced from tight formations, Docket No. RM79-76-123 (Colorado-26). The final rule appeared in the *Federal Register* on September 3, 1982 (47 FR 38878), and contained an incorrect acreage description. The original correction to this final rule, which appeared in the *Federal Register* on September 28, 1982 (47 FR 42562), contained an incorrect cite to the Commission's Rules of Practice and Procedure, as well as errant page numbers.

**FOR FURTHER INFORMATION CONTACT:** Steven Ross, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20436, (202) 357-8571.

The following restates the acreage descriptions in FR Doc. 82-24358, appearing on page 38879, and in FR Doc. 82-26524, appearing on page 42562. On pages 38879 and 42562, § 271.703(d)(108)(i) should read as follows:

#### PART 271—[AMENDED]

##### § 271.703 [Corrected]

\* \* \* \* \*

(d) \* \* \*

(108) \* \* \*

(i) *Delineation of formation.* The Dakota-Lakota Formation is located in Boulder County, Colorado, in Township 1 North Range 69 West, 6th P.M., Sections 25 through 36; Township 1 South, Range 69 West, 6th P.M., Sections 3 through 10, 15 through 22, and 27 through 34; Township 1 South, Range 70 West, 6th P.M., Sections 1 through 3, 10

through 15, 22 through 27, and 34 through 36.

\* \* \* \* \*

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34824 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Assistant Secretary for Housing—Federal Housing Commissioner

### 24 CFR Part 890

[Docket No. R-82-1036]

#### Annual Contributions for Operating Subsidy Performance Funding System

**AGENCY:** Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends 24 CFR Part 890 to reinstate the Rolling Base Period in determining the Allowable Utilities Consumption Level (AUCL) to be utilized by public housing agencies (PHAs) in the Performance Funding System (PFS) calculation of the Utilities Expense Level. The Utilities Expense Level is a component of the PHA's calculation of its PFS operating subsidy eligibility.

**DATES:** Effective December 23, 1982. Comment due date: February 22, 1983.

**ADDRESS:** Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** J. Milton Slifkin, Fiscal Management Division, Room 4218, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Telephone (202) 426-1872. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** At the inception of the PFS, beginning with the PHA fiscal year beginning April 1, 1975, the AUCL was based upon the PHA's actual utility consumption experienced during a 36-month Rolling Base Period. The Rolling Base Period system was replaced by the Fixed Base Period

system, which was first applicable to PHA fiscal years beginning July 1, 1977, and all fiscal years thereafter. The Fixed Base Period system in effect froze the AUCLs to the 36-month periods which ended December 31, 1975, March 31, 1976, June 30, 1976 or September 30, 1976. The consumption of utilities used for space heating was later adjusted by a Change Factor which was developed to indicate the relationship of the average annual heating degree days for the 30-year period from 1941 through 1970 to the average annual heating degree days for each PHA's Fixed Base Period.

A study recently completed by the HUD Office of Policy Development and Research recommended that the base period used to compute the AUCL be a rolling average of the most recent years' utilities consumption. The Department has decided that a Rolling Base Period of three years is sufficient to establish a reliable average of utilities consumption free of distortions which might be caused by the abnormal weather of a PHA fiscal year. Such a system holds some advantages for a PHA in that it will reflect changes in consumption patterns brought about by any increased usage of appliances by public housing residents, similar to increases which have occurred in the private market, and any changes in utility consumption habits of residents. A Rolling Base Period system also will reflect decreases in consumption levels brought about through conservation measures taken by PHAs in the past and in the future. Under the Fixed Base Period system, it is not possible to take into account reductions in utilities consumption realized in many cases, through large expenditures of HUD modernization program funds or from non-HUD sources.

The first PHA fiscal year affected by this regulation is the PHA fiscal year beginning January 1, 1983, and its first Rolling Base Period will be the three (3) PHA fiscal years which ended December 31, 1979, December 31, 1980, and December 31, 1981. The AUCL of the Rolling Base Period utility(ies) used for space heating will be adjusted after the end of the PHA fiscal year to reflect the ratio of the heating degree days (HDD) of the PHA fiscal year affected by this regulation to the average annual HDD for the three-year (36 months) Rolling Base Period. (In the above example, the year affected by this regulation is the fiscal year ending December 31, 1983). The above adjustment (Change Factor) is the result of the HDD of the PHA affected fiscal year divided by the Rolling Base Period

average HDD. Unlike the 30-Year Heating Degree Day System procedures, which will be superseded by this rule, Change Factors of less than 1.000 will not be rounded up to 1.000 but will be used to reduce the AUCL of the Rolling Base Period prior to calculating the mandatory year-end utility adjustment. Section 890.170 of this rule sets forth the procedures to be used by PHAs in utilizing the Rolling Base Period system.

This rule will apply to fiscal years beginning January 1, 1983 and thereafter. The application of this rule to such fiscal years is essential so that PFS calculations reflect reasonable consumption levels based on the most recent consumption experienced by the PHAs. Notice and prior public procedure would not allow PHAs adequate time to: (1) Incorporate the Rolling Base Period system into their AUCL and operating subsidy eligibility for fiscal years beginning January 1, 1983 and thereafter, and (2) prepare an operating budget which reflects the maximum subsidy available and the level of services possible within this amount of subsidy. It is therefore in the public interest to amend Part 890 as soon as possible to permit the use of the Rolling Base Period. Accordingly, the Secretary has determined that notice and prior public procedure would be contrary to the public interest and that good cause exists for publishing this rule as an interim rule.

Section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides for a delay in effectiveness for a period of 30 calendar days of continuous session of Congress after publication. A waiver of this requirement has been requested from the Chairmen and Ranking Minority members of the Senate Committee on Banking, Housing, and Urban Affairs, and the House Committee on Banking, Finance and Urban Affairs.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets,

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulation 24 CFR Part 50 which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of General Counsel, Rules Docket Clerk, Room 10278, 451 Seventh Street, SW, Washington, DC 20410.

Pursuant to the provisions of 5 U.S.C. 605(b), (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the rule will only slightly change the funds available to PHAs.

This rule was not listed in the Department's Semi-Annual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(The Catalog of Federal Domestic Assistance program number is 14.146)

Information collection requirements contained in this regulation 24 CFR Part 890 have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2502-0125.

#### List of Subjects in 24 CFR Part 890

Grant programs: Housing and community development, Low and moderate income housing, Public housing.

#### PART 890—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

Accordingly, 24 CFR Chapter VIII is amended by revising §§ 890.102(t), 890.102(u) and 890.107 and adding §§ 890.102(v) and 890.102(w) as follows:

1. Section 890.102 (t) and (u) are revised to read as follows and § 890.102 (v) and (w) are added:

#### § 890.102 Definitions.

(t) *Rolling Base Period.* The 36-month period which ends 12 months prior to the beginning of the PHA Requested Budget Year which is used to determine the Allowable Utilities Consumption Level used to compute the Utilities Expense Level.

(u) *Change Factor.* The ratio of the affected PHA fiscal year heating degree days (HDD) divided by the average annual HDD of the Rolling Base Period.

(Affected year HDD ÷ Rolling Base Period average HDD.)

(v) *Heating Degree Days.* Heating Degree Days are the annual arithmetic sum of the positive differences (those under 65 degrees) of the average of the lowest and highest daily outside temperatures in degrees Fahrenheit, subtracted from 65 degrees Fahrenheit.

(w) *Allowable Utilities Consumption Level (AUCL).* The amount of utilities expected to be consumed per unit per month by the PHA during the Requested Budget Year which is equal to the average amount consumed per unit per month during the Rolling Base Period. Subsequent to the end of the said Budget Year the AUCL of the utility(ies) used for space heating will be adjusted by a Change Factor, which is defined in § 890.102(u).

2. Section 890.107 is revised to read as follows:

**§ 890.107 Computation of utilities expense level.**

(a) *General.* In recognition of the rapid rises which occur in utilities costs, the wide diversity among PHAs as to types of utilities services used and the manner in which utilities payments are allocated between PHAs and tenants, and the fact that utilities rates charged by suppliers are beyond the control of the PHA, the PFS treats utilities expenses separately from other PHA expenses. Utilities expenses are, therefore, excluded from the PHA's Allowable Expense Level and the PFS provides for computation of the amount of operating subsidy for utilities cost based upon a calculated utilities expense of each PHA. Accordingly, the PHA's Utilities Expense Level for the Requested Budget Year shall be computed by multiplying the AUCL per unit per month for each utility, determined as provided in paragraph (c) of this section, by the projected utility rate determined as provided in paragraph (b) of this section. The AUCL for space heating utilities will be adjusted after the end of the affected fiscal year pursuant to the instructions of paragraph (d) of this section.

(b) *Utilities rates.* The current applicable rates, with consideration of adjustments and pass-throughs, in effect at the time the Operating Budget is submitted to HUD will be used as the utilities rates for the Requested Budget Year, except that, when the appropriate utility commission has, prior to the date of submission of the Operating Budget to HUD, approved and published rate changes to be applicable during the Requested Budget Year, the future approved rates may be used as the utilities rates for the entire Requested Budget Year.

(c) *Computation of Utilities Consumption Level.* The AUCL used to compute the Utilities Expense Level of a PHA for the Requested Budget Year will be based upon the availability of consumption data. For project utilities where consumption data is available for the entire Rolling Base Period, the computation will be in accordance with paragraph (c)(1) of this section. For project utilities (other than New Projects) where the consumption data is not available for the entire Rolling Base Period, the computation will be in accordance with paragraph (c)(2) of this section. For New Projects, the computation will be in accordance with paragraph (c)(3) of this section. The AUCL for all of a PHA's projects is the sum of the amounts determined using paragraphs (c)(1), (2) and (3) of this section, as appropriate.

(1) *Rolling Base Period System.* For project utilities with consumption data for the entire Rolling Base Period, the AUCL is the average amount consumed per unit per month during the Rolling Base Period, adjusted in accordance with paragraph (d) of this section. The PHA shall determine the average amount of each of the utilities consumed during the Rolling Base Period (i.e., the 36-month period ending 12 months prior to the first day of the Requested Budget Year).

(i) *PHA fiscal years affected.* The Rolling Base Period shall be used to compute the AUCL submitted with the Operating Budgets for PHA Fiscal Years beginning January 1, 1983, April 1, 1983, July 1, 1983, October 1, 1983 and thereafter.

(ii) An example of a rolling base is as follows:

PHA Fiscal Year (affected fiscal year)		Rolling base period	
Beginning	Ending	Begins	Ends
1-1-83	12-31-83 (1st year)	1-1-79	12-31-81
1-1-84	12-31-84 (2nd year)	1-1-80	12-31-82

(2) Alternative method where data is not available for the entire Rolling Base Period:

(i) If the PHA has not maintained or cannot recapture consumption data regarding a particular utility from its records for the whole Rolling Base Period mentioned in paragraph (c)(1) of this section, it shall submit consumption data for that utility for the last 24 months of its Rolling Base Period to the HUD Field Office for approval. If this is not possible, it shall submit consumption data for the last 12 months of its Rolling Base Period. The PHA also shall submit a written explanation of the reasons that data for the whole Rolling

Base Period is unavailable. (Approved by the Office of Management and Budget under OMB control number 2502-0125).

(ii) In those cases where a PHA has not maintained or cannot recapture consumption data for a utility for the entire Rolling Base Period, comparable consumption for the greatest of either 36, 24, or 12 months, as needed, shall be used for the utility for which the data is lacking. The comparable consumption shall be estimated based upon the consumption experienced during the Rolling Base Period of comparable project(s) with comparable utility delivery systems and occupancy. The use of actual and comparable consumption by each PHA, other than those PHAs defined as New Projects in paragraph (c)(3) of this section, will be determined by the availability of complete data for the entire 36-month Rolling Base Period. Appropriate utility consumption records, satisfactory to HUD, shall be developed and maintained by all PHAs so that a 36-month rolling average utility consumption per unit per month under paragraph (c)(1) of this section can be determined.

(iii) If a PHA cannot develop the consumption data for the Rolling Base Period or for 12 or 24 months of the Rolling Base Period, either from its own project(s) data, or by using comparable consumption data the actual per unit per month (PUM) utility expenses stated in paragraph (e) of this section shall be used as the Utilities Expense Level and no Change Factor shall be applied.

(3) *Computation of Allowable Utilities Consumption Levels for New Projects.*

(i) A New Project, for the purpose of establishing the Rolling Base Period and the Utilities Expense Level, is defined as either: (A) A project which had not been in operation during at least 12 months of the Rolling Base Period, or a project which enters management after the Rolling Base Period and prior to the end of the Requested Budget Year, or (B) a project which during or after the Rolling Base Period, has experienced conversion from one energy source to another; interruptable service; deprogrammed units; a switch from tenant-purchased to PHA-supplied utilities; or a switch from PHA-supplied to tenant-purchased utilities.

(ii) The actual consumption for New Projects shall be determined so as not to distort the Rolling Base Period in accordance with a method prescribed by HUD.

(d) Adjustment to utilities used for space heating. For project utilities with consumption data for the entire Rolling

Base Period, and for New Projects, consumption of utilities used for space heating shall be adjusted, after the end of the affected year, using a Change Factor as follows:

(1) *Adjustment of the Rolling Base Period data.*

(i) *Use of Change Factors.* A Change Factor will be developed each year by HUD which indicates the relationship of the affected PHA fiscal year HDD to the average HDD of the Rolling Base Period. This Change Factor is to be used to establish an AUCL for utilities used for space heating which reflects the severity of the winter weather of the affected PHA fiscal year. The Change Factors are developed by the National Climatic Center of the Department of Commerce for each established standard weather division of the country, by PHA fiscal year. Change Factors will be supplied by HUD to the PHAs. When a Change Factor is greater than 1.000, it means that the HDD of the affected fiscal year were greater than the average annual HDD of the Rolling Base Period. An example of the effect of the Change Factor on the Rolling Base Period consumption is:

*Assume:*

Affected fiscal year HDD—5,250  
Rolling Base Period average HDD—5,000  
Rolling Base Period average annual consumption for heating purposes—1,000 gallons

*Results:*

Change Factor is  $(5,250 \div 5,000) = 1.050$

Adjusted Rolling Base Period average consumption for heating purposes  $(1,000 \times 1.050) = 1,050$  gallons

(ii) *PHA fiscal years affected.* The Change Factor shall be used to compute the AUCL submitted with Operating Budgets for PHA fiscal years beginning January 1, 1983, April 1, 1983, July 1, 1983 and October 1, 1983, and thereafter.

(iii) *Application of Change Factor to consumption of the Rolling Base Period.* The Change Factor is to be applied only to the consumption readings of meters of utilities, or gallons of oil, or tons of coal used for the purpose of generating heat for dwelling units and other PHA associated buildings. The Change Factor shall not be applied to the consumption readings of meters of utilities not used for the purpose of generating heat; e.g., water and sewer or electricity used solely for non-heating purposes. The Change Factor shall be applied to the total consumption reading of meters of utilities, or gallons of oil, or tons of coal used for heating even though the same meter or same energy source is used for

other purposes; e.g., heating and cooking gas usage metered on the same meter or oil used for space heating and also heating of water. Such consumption for each fiscal year of the Rolling Base Period shall be adjusted by the Change Factor. The adjusted consumption for each year shall be totalled. These totals then will be averaged. The consumption readings of meters of utilities not used for heating (not adjusted by the Change Factor) shall be included in the total consumption.

EXAMPLE SHOWING APPLICATION OF CHANGE FACTOR

	Base years		
	1st Year	2d Year	3d Year
Gas meters used for heating:			
No. 1234 (In therms).....	15,000	18,000	17,000
No. 2345.....	10,000	12,000	11,000
Subtotal.....	25,000	30,000	28,000
Change Factor (HUD supplied).....	x1.050	x1.050	x1.050
Subtotal.....	26,250	31,500	29,400
Gas meters not used for heating:			
No. 3456.....	2,500	2,600	2,650
Total adjusted allowable gas consumption level..	28,750	34,100	32,050

PHAs will be required to use Change Factors of less than 1.000. Change Factors are listed by county. If a PHA manages units in more than one county and those counties have different Change Factors, the above calculation shall be done considering the units in each county and each county's assigned Change Factor. If a PHA manages units in an independent city not within the jurisdiction of a county, it shall: (A) If within one county, use that county's Change Factor; or (B) If the city abuts more than one county, use the average of the Change Factors of the contiguous counties.

(2) *Adjusted consumption for New Projects.*

(i) *Use of Change Factor.* For New Projects, the PHA shall apply the Change Factor to the HUD approved consumption level of utilities used for heating.

(ii) *PHA fiscal years affected.* The Change Factor shall be used to compute the AUCL submitted with the Operating Budgets for PHA Fiscal Years beginning January 1, 1983, and thereafter.

(iii) *Application of Change Factor to consumption of New Projects.* The annual AUCL for New Projects shall be adjusted by applying the Change Factor to the estimated consumption where the utility is used for heating in part or in total. This consumption shall be from a comparable project during the

permissible Rolling Base Period. Any other consumption of this utility which is not used for heating shall not be adjusted by the Change Factor, but the estimated annual consumption based upon data from a comparable project during the permissible Rolling Base Period shall be added to the adjusted consumption.

(e) *Utilities expense level where consumption data for the full Rolling Base Period is unavailable.* If a PHA does not obtain the consumption data for the entire Rolling Base Period, or for 12 or 24 months of the Rolling Base Period, either for its own project(s) or by using comparable consumption data as required in paragraph (c)(2) of this section, it shall request HUD Field Office approval to use actual PUM utility expenses. These expenses shall exclude Utilities Labor and Other Utilities Expenses. The actual PUM utility expenses shall be taken from the year-end Statement of Operating Receipts and Expenditures, Form HUD-52599, (Office of Management and Budget approval number 2505-0240) prepared for the PHA fiscal year which ended 12 months prior to the beginning of the PHA Requested Budget Year (e.g., for a PHA fiscal year beginning January 1, 1983, the PHA would use data from the fiscal year ended December 31, 1981). No Change Factor shall be applied to actual PUM utility expenses, and subsequent adjustments will not be approved for a budget year for which the utility expense level is established based upon actual PUM utility expenses.

(f) *Adjustments.* PHAs shall request adjustments of Utilities Expense Levels in accordance with § 890.110(c), which requires an adjustment based upon a comparison of actual experience to the estimated level. The estimated level will have been adjusted in accordance with paragraph (d) of this section. If the actual consumption exceeds the estimated level, HUD would pay 50 percent of the excess and the PHA would pay 50 percent. If consumption is less than the estimated level, HUD would recapture 50 percent of the savings and the PHA would keep 50 percent. One hundred percent adjustment would be allowed for increases or decreases in utilities cost rates.

Sec. 9, United States Housing Act of 1937, (42 U.S.C. 1437g); sec. 201(b), Housing and Community Development Act of 1974, (42 U.S.C. 1437 note); sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d))

Dated: October 22, 1982.

**Philip Abrams,**  
General Deputy Assistant Secretary for  
Housing—Deputy Federal Housing  
Commissioner.

[FR Doc. 82-34671 Filed 12-22-82; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 273

#### Education Contracts Under Johnson-O'Malley Act

December 21, 1982.

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs is publishing a final rule to amend an existing regulation on the use of other Federal, State and local funds under the Johnson-O'Malley Act and the Indian Self-Determination Act. The amended rule will make clear that no free school lunch program will be offered by the Bureau of Indian Affairs, but that Indian students may be eligible to participate in the National School Lunch Program administered by the U.S. Department of Agriculture (USDA).

**EFFECTIVE DATE:** January 24, 1983.

**FOR FURTHER INFORMATION CONTACT:** Jerry L. Jaeger, Bureau of Indian Affairs, Office of Indian Education Programs, Washington, D.C. 20245, telephone (202) 343-2175.

**SUPPLEMENTARY INFORMATION:** This rulemaking document is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

A proposed rule was published in the *Federal Register*, 47 FR 40345, on Monday, September 13, 1982. The entire proposal would have substantially revised Parts 271 through 277 of Title 25 of the Code of Federal Regulations. Consideration of most of this proposal continues within the Bureau of Indian Affairs. This final rule pertains only to the proposed regulation numbered section 273.27 on page 40345. It is a minor amendment to existing section 273.34.

The amendment has been added to clarify the status of school lunch programs for Indian students in public schools following the decision of the U.S. Court of Appeals in *Vigil v. Andrus*, 667 F. 2d 931 (10th Cir. 1982). Before 1970 the Bureau of Indian Affairs under the Johnson-O'Malley Act, 25 U.S.C. 452 *et seq.*, provided school lunches to Indian

students in public schools. After 1970, the Bureau discontinued its Johnson-O'Malley school lunch programs, and the United States Department of Agriculture began to provide school lunches to eligible Indian students in public schools under the National School Lunch Act, 42 U.S.C. 1751-1774, 1824. In 1975, the Johnson-O'Malley Act was amended, 25 U.S.C. 456, to require that Indian school boards, or, in the absence of an Indian school board, a committee of Indian parents, approve or disapprove programs to be conducted under Johnson-O'Malley contracts. Section 273.34(c) will make clear that the only school lunch programs for Indian students in public schools are those operated by USDA pursuant to the National School Lunch Act and those approved by Indian school boards or by Indian parent committees pursuant to the Johnson-O'Malley Act.

Following the publication, copies of the proposed rules were sent to all tribes for review and comment. Written comments were received from September 13, 1982 through November 12, 1982. Nineteen comments were received on proposed § 273.27(c) through this process.

Seventeen commenters maintained that free school lunches for Indian children should be provided by the Bureau of Indian Affairs (Bureau) rather than USDA. They contend that it is a part of the continuing obligation of the Federal government to Indian people. They also felt that rather than being a "technical change in form" the "magnitude" of the proposed change required the Bureau and the Department of the Interior to provide an opportunity for public hearings.

Another commenter felt that the utilization of Johnson-O'Malley funds for hot lunch programs did not appear to be an authorized activity as this program could be a part of the operational budget. Accordingly, he said that the use of Johnson-O'Malley funds would be questionable as it is intended for supplemental educational programs.

Another comment pointed out the distinction between USDA lunches from USDA free lunches. A change has been made in the language for clarification.

One other change has been made from the originally proposed rule. References in the proposal to "grant funds" have been changed to "contract funds" since the existing regulations refer to "contracts" not "grants." At this point in time, no final decision has been made as to the conversion to grants.

Tribal consultation is an underlying concept of the Indian Self-Determination and Education Assistance Act. In addition to mailing copies of the

publication to every tribe, meetings were held between representatives of the Department of Interior and representatives of the All Indian Pueblo Council in Washington, D.C. on October 6, 1982 and in Albuquerque, New Mexico on October 28, 1982 to inform the parties involved of the various steps taken to resolve the lawsuit.

Since the proposed rule is not a complex proposal requiring elaborate explanation, we do not see the need for formal hearings on this matter. We do not believe there are any new issues which would be raised in a hearing which have not already been addressed. We are satisfied that we have complied with Congressional directives and statutory procedures.

Further, the supplemental program funds for educational assistance to public schools under the Johnson-O'Malley Act are distributed to contractors through a formula dependent on the number of eligible children and appropriations received. Based on the amount available, contractors and Indian education committees set their own program priorities in meeting the special and unique needs of Indian children. Given the limited amount of funds available to meet the needs of Indian children nationwide, it has been our view that it would be more feasible to utilize the USDA National School Lunch Program for the provision of free lunches to eligible Indian students. In that way Bureau of Indian Affairs' appropriations for Indian programs can be more effectively utilized to meet the other needs of Indian families. Moreover, if Indian education committees, established pursuant to 25 CFR 273.15, or contractors wish to utilize contract funds under this part of pay for school lunches for those Indian students who are not eligible for the USDA program, they may prepare their education plans under § 273.18 to do so. This is consistent with the intent of section 202 of the Indian Self-Determination Act of 1975.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act.

The primary authors of this document are M. Elizabeth Holmgren and Maribel Printup, Bureau of Indian Affairs, Office of Indian Education Programs, telephone number (202) 343-8657.

**List of Subjects in 25 CFR Part 273**

Government contracts, Indian-education, Indians self-determination.

**PART 273—[AMENDED]**

Section 273.34 of Part 273 in Subchapter M, Chapter I of Title 25 of the Code of Federal Regulation is revised to read as follows:

**§ 273.34 Use of other Federal, State and local funds.**

(a) Contract funds under this part shall supplement, and not supplant, Federal, State and local funds. Each contract shall require that the use of these contract funds will not result in a decrease in State, local, or Federal funds which would be made available for Indian students if there were no funds under this part.

(b) State, local and other Federal funds must be used to provide comparable services to non-Indian and Indian students prior to the use of contract funds.

(c) Except as hereinafter provided, the school lunch program of the United States Department of Agriculture (USDA) shall constitute the only Federally-funded school lunch program for Indian students in public schools. Where Indian students do not qualify to receive free lunches under the National School Lunch Program of USDA because such students are non-needy and do not meet the family size and income guidelines for free USDA lunches, plans prepared pursuant to § 273.18 may provide, to the extent of funding available for Johnson-O'Malley programs, for free school lunches for those students who do not qualify for free USDA lunches but who are eligible students under § 273.12.

Kenneth Smith,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 82-35028 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-02-M

**Bureau of Land Management****43 CFR Public Land Order 6342**

[F-024460]

**Alaska; Partial Revocation of Public Land Order No. 503 and Classification of Land for Selection by the State of Alaska**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** The purpose of this public

land order is to partially revoke an administrative site withdrawal and to classify and open the land for selection by the State of Alaska.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Beaumont C. McClure, Washington, D.C., (202) 343-6511, or Robert Sorenson, Alaska State Office, (907) 271-5060.

**SUPPLEMENTARY INFORMATION:** By virtue of the authority vested in the Secretary of the Interior by Subsection 204(a) of the Federal Land Policy and Management Act of October 21, 1976, (43 U.S.C. 1714(a)) and by Section 17 (d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1616(d)(1)), it is ordered as follows:

1. Public Land Order No. 503 of July 27, 1948, withdrawing lands for the use of the Bureau of Land Management as an administrative site is hereby revoked as to the following described land:

**3½ Mile Administrative Site**

(F-024460)

Fairbanks Meridian

A portion of Lot 57, section 7, T. 1 S., R. 1 W., more particularly described as follows:

Beginning at the southeast corner of Lot 57, thence north 12 chains, to the northern boundary of Airport Way, Right-of-Way F-12378, thence west along the northern boundary of Airport Way Right-of-Way 20.015 chains, thence south 12 chains, thence east 20.015 chains, to the point of beginning; containing 24 acres more or less.

2. As provided by Section 6(g) of the Alaska Statehood Act (72 Stat. 339), the State of Alaska is provided a preferred right of selection for the lands described herein until 10:00 A.M. Alaska Standard Time on October 23, 1982. After this time and date, any of the above identified land not selected by the State, will immediately become subject to all the terms and conditions of, and are withdrawn by Public Land Order No. 5180 of March 9, 1972, as amended, by Public Land Order No. 5418 of March 25, 1974, and Public Land Order No. 6092, of November 20, 1981, which withdrew lands for classification and protection of the public interest and subsequently made certain lands available for State selection.

Garrey E. Carruthers,

*Assistant Secretary of the Interior.*

December 16, 1982.

[FR Doc. 82-34821 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-84-M

**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 205**

[Docket No. FEMA-205.60]

**Use of Gifts and Bequests for Disaster Assistance**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule sets forth FEMA's interim procedures for implementing a disaster assistance program using funds bequeathed to the Federal Government by Cora C. Brown of Kansas City, Mo. Mrs. Brown died in 1977, leaving a portion of her estate to the United States to be used as a special fund solely for the relief of human suffering caused by natural disasters or other disasters not caused by or attributable to war. A special fund, known as the Cora Brown Fund, has been established in accordance with Pub. L. 96-446 (94 Stat. 1893; October 13, 1980), thus fulfilling Mrs. Brown's will.

FEMA intends to use the funds, and any others that may be bequeathed under authority of Pub. L. 96-446, in the manner and under the conditions described below. FEMA will invest and reinvest excess money in the fund according to the provisions of Pub. L. 96-446. In order to make this assistance available as soon as possible, these regulations are effective upon publication, so as to reflect legislative intent and the will of Mrs. Brown.

**DATES:** These regulations are effective December 23, 1982. However, interested persons may comment until February 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** Agnes C. Mravcak, Office of Disaster Assistance Programs, State and Local Programs and Support, FEMA, 500 C Street, SW., Washington, D.C., 20472 (202-287-0555).

**SUPPLEMENTARY INFORMATION:****Environmental Considerations**

This rule deals with administrative actions and is categorically excluded from the requirements for environmental assessment under 44 CFR Part 10.

**Executive Order 12291, "Federal Regulations"**

This interim rule is not a "major rule" within the context of Executive Order 12291 for the following reasons: (a) it will not have an annual effect on the economy of \$100 million or more; (b) it will not result in a major increase in

costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) it will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule will not have a significant economic impact on small entities, within the meaning of 4 U.S.C. 605 (the Regulatory Flexibility Act), in that it pertains only to disaster assistance for individuals. Therefore, no regulatory flexibility analysis will be prepared. This rule does not involve any information collection.

*Authority.* This rule is issued under authority of Section 601 of the Disaster Relief Act of 1974 (Pub. L. 93-288), as amended by Pub. L. 96-446, and Executive Order 12381.

*Content of the Rule.* The rule states the purposes for awarding funds from the "Cora Brown Fund", conditions for use of the fund, and administrative procedures for awards.

#### List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs, Housing and community development.

### PART 205—FEDERAL DISASTER ASSISTANCE (PUBLIC LAW 93-288)

Accordingly, new § 205.60, is added to Subpart D of 44 CFR Part 205, as follows:

#### § 205.60 Use of Gifts and Bequests for Disaster Assistance Purposes.

(a) *Introduction.* By publishing this regulation, FEMA gives notice of the establishment of a special disaster assistance fund made possible by a bequest of funds from the late Cora C. Brown of Kansas City, Missouri, who left a portion of her estate to the United States for helping victims of natural disasters and other disasters not caused by or attributable to war. FEMA intends to use the funds, and any others that may be bequeathed under this authority, in the manner and under the conditions described below.

(b) *Purposes for awarding funds.* Money from the Cora Brown Fund may only be used to provide for disaster-related needs that have not been or will not be met by governmental agencies or any other organizations which have programs to address such needs; however, the fund is not intended to replace or supersede these programs. Therefore, if assistance is available from another source, including the Individual

and Family Grant program, government-sponsored disaster loan assistance, and credit from private sources if the disaster loan agency requires a "credit elsewhere test," then money from the Cora Brown Fund will not be available to the applicant for the same purpose. Listed below are the general categories of assistance which can be provided by the Cora Brown Fund:

(1) Disaster-related home repair and rebuilding assistance to families for permanent housing purposes, including site acquisition and development, relocation of residences out of hazardous areas, assistance with costs associated with temporary housing or permanent re-housing (e.g., utility deposits, access, transportation, connection of utilities, etc.);

(2) Disaster-related unmet needs of families who are unable to obtain adequate assistance under the Disaster Relief Act, or from other sources. Such assistance may include but is not limited to: health and safety measures; evacuation costs; assistance delineated in the Disaster Relief Act or other Federal, State, local, or volunteer programs; hazard mitigation or floodplain management purposes; and assistance to self-employed persons (with no employees) to reestablish their businesses; and

(3) Other services which alleviate human suffering and promote the well-being of disaster victims. For example, services to the elderly, to children, or to handicapped persons, such as handyman or chore services, transportation, recreational programs, provision of special ramps, or hospital or home-visiting services. The funds may be provided to individual disaster victims, or to benefit a group of disaster victims.

(c) *Conditions for use of the Cora Brown Fund.* (1) The Cora Brown Fund is available only when the President declares that a major disaster or emergency exists under the Disaster Relief Act, only in the areas designated as eligible for Federal disaster assistance through notice in the *Federal Register*, and only at the discretion of the Assistant Associate Director, Office of Disaster Assistance Programs, FEMA. The fund is limited to the initial endowment plus accrued interest, and this assistance program will cease when the fund is used up.

(2) A disaster victim normally will receive no more than \$2,000 from this fund in any one declared disaster unless the Assistant Associate Director determines that a larger amount is in the best interest of the disaster victim and the Federal Government. Funds to provide services which benefit a group

may be awarded in an amount determined by the Assistant Associate Director, based on the Regional Director's recommendation.

(3) The fund may not be used in a way that is inconsistent with other Federally-mandated disaster assistance or insurance programs, or to modify other generally applicable requirements.

(4) Funds awarded to a disaster victim may be provided by FEMA jointly to the disaster victim and to a State or local agency, or volunteer organization, to enable such an agent to assist in providing the approved assistance to an applicant. Example: repair funds may be provided jointly to an applicant and the Mennonite Disaster Service, who will coordinate the purchase of supplies and provide the labor.

(5) Money from this fund will not duplicate assistance for which a person is eligible from other sources.

(6) In order to comply with the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, any award for acquisition or construction purposes shall carry a requirement that an adequate flood insurance policy be purchased and maintained. The Assistant Associate Director shall determine what is adequate based on the purpose of the award.

(7) The fund shall be administered in an equitable and impartial manner without discrimination on the grounds of race, color, religion, national origin, sex, age, or economic status.

(8) Funds awarded to a disaster victim from this fund may be combined with funds from other sources.

(d) *Administrative procedures.* (1) The Assistant Associate Director, Office of Disaster Assistance Programs, shall be responsible for awarding funds and authorizing disbursement.

(2) The Comptroller of FEMA shall be responsible for fund accountability, and, in coordination with the Assistant Associate Director, for liaison with the Department of the Treasury concerning the investment and reinvestment of excess money in the fund pursuant to the provisions of Pub. L. 96-446.

(3) Each FEMA Regional Director may submit requests to the Assistant Associate Director on a disaster victim's behalf by providing documentation which consists of the disaster victim's needs and supporting documentation, including a verification of the disaster victim's claim, a record of other assistance which has been or will be available for the same purposes, and his/her recommendation as to the items and the amount. The Assistant Associate Director shall review the facts and make a determination. If the award

amount is below \$2,000, the Assistant Associate Director may appoint a designee to have approval authority; approval authority of \$2,000 or above shall be retained by the Assistant Associate Director. The Assistant Associate Director shall notify the Comptroller of a decision for approval, and the Comptroller shall order a check to be sent to the disaster victim (or jointly to the disaster victim and an assistance organization), through the Regional Director. The Assistant Associate Director shall also notify the Regional Director of the decision, whether for approval or disapproval. The Regional Director shall notify the disaster victim in writing, and identify any award as assistance from the Cora Brown Fund.

(4) If the award is to be for a service to a group of disaster victims, the Regional Director shall submit his/her recommendation and supporting documentation to the Assistant Associate Director. The Assistant Associate Director (or his/her designee if the award is below \$2,000) shall review the information and make a determination. In cases of approval, the Assistant Associate Director shall request the Comptroller to send a check to the intended recipient or provider, as appropriate. The Assistant Associate Director shall notify the Regional Director of the decision. The Regional Director shall notify a representative of the group in writing.

(5) The disaster victim may appeal the Assistant Associate Director's (or his/her designee's) decision by submitting a written statement to the Associate Director through the Regional Director. The appeal letter must be dated no less than 15 days after the date of the notification letter sent to the disaster victim by the Regional Director. The Regional Director shall forward the appeal letter, along with any additional information relevant to the appeal, to the Associate Director within 15 days of the receipt of the appeal in the Regional office. The Associate Director will consider the additional information from both sources, and shall make a decision promptly. If the decision is for approval, the check procedures in (3) above shall be followed. If the decision is to deny the appeal, the Associate Director shall notify the disaster victim in writing, through the Regional Director.

(6) The Comptroller shall process requests for checks, shall keep records of disbursements and balances in the account, and shall provide the Assistant Associate Director with quarterly reports.

(e) *Audits.* The Inspector General of FEMA shall audit the use of money in

this account to determine whether the funds are being administered according to these regulations and whether the financial management of the account is adequate. The Inspector General shall provide his/her findings to the Associate Director, State and Local Programs and Support, for information, comment, and appropriate action. A copy shall be provided to the Comptroller for the same purpose.

(f) *Effective date.* Assistance will be made available as of December 23, 1982, in connection with any declared major disaster or emergency.

Dated: December 15, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 82-34783 Filed 12-22-82; 8:45 am]

BILLING CODE 6718-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Child Support Enforcement

45 CFR Parts 301, 302, 303, 304, and 305

#### Child Support Enforcement Program—Collection of Support for Certain Adults

**AGENCY:** Office of Child Support Enforcement (OCSE), HHS.

**ACTION:** Final rule with comment period.

**SUMMARY:** Section 2332 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981, provides that, at its option, a State may collect and enforce support obligations from an absent parent both for the children and the spouse or former spouse who is receiving aid under title IV-A of the Social Security Act (the Act) and with whom the children are living. A State may not attempt to establish a spousal support obligation and may collect spousal support only if the existing support obligation includes both child and spousal support. If a State chooses to collect spousal support, it may use all existing collection mechanisms and enforcement remedies to collect and enforce child support. Section 171(a)(1) of Pub. L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, allows States to collect spousal support in non-AFDC cases. These regulations implement section 2332 of Pub. L. 97-35 and section 171(a)(1) of Pub. L. 97-248, and supercedes OCSE-AT-81-25, issued October 19, 1981.

**DATES:** Effective December 23, 1982. Consideration will be given to written

comments received by February 22, 1983.

**ADDRESS:** Address comments to: Director, OCSE, Department of Health and Human Services, Room 1010, 6110 Executive Boulevard, Rockville, Maryland 20852, ATTN: Policy Branch. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m., in Room 1010 of the Department's offices at the above address.

**FOR FURTHER INFORMATION CONTACT:** Marianne Rufty (301) 443-5350.

#### SUPPLEMENTARY INFORMATION:

##### Statutory Provisions

Prior to the enactment of Pub. L. 97-248, the Social Security Act (the Act) only allowed States to collect and enforce child support obligations. When there was a single support order which represented an obligation for both spousal and child support, the IV-D agency was not authorized to collect, distribute or enforce the spousal support obligation under the IV-D State plan, even though spousal support must be assigned to the State under section 402(a)(26)(A) of the Act as a condition of receipt of aid under title IV-A of the Act. This situation created enormous difficulties in determining how to account for and distribute the collections which were made in these situations.

Section 2332 of Pub. L. 97-35, effective on October 1, 1981, amended sections 451, 452, 453, 454, 457 and 460 of the Act to allow States the option of collecting and enforcing certain spousal support. Section 171(a)(1) of Pub. L. 97-248, effective on August 13, 1981, amended section 454(6)(A) of the Act to allow States to collect and enforce certain spousal support in non-AFDC cases.

Section 451 of the Act was expanded to authorize appropriations for collecting and enforcing support obligations for children and the spouse (or former spouse) with whom the children are living.

The State plan requirement under section 454(4)(B) was amended to include, at the option of the State, securing support from an absent parent for a spouse (or former spouse) who is receiving Aid to Families with Dependent Children (AFDC) under title IV-A of the Act. A State may collect spousal support only if a support obligation has already been established for that spouse. States are not permitted to attempt to establish obligations for spousal support nor are they permitted to collect and distribute monies which represent payment of a

spousal support obligation if there is no child support included in the obligation.

Sections 454(5) and (11) were expanded to provide that spousal support collected on behalf of AFDC families will be distributed in the same manner as child support. Section 454(9), which requires cooperation between States, was amended to require States to cooperate with any other State in securing child or spousal support from an absent parent living in the State. Section 454(16), which allows a State to establish comprehensive automatic data processing and information retrieval system qualifying for Federal financial participation (FFP) at the 90 percent rate was amended to include accounting for and monitoring *all* support collected or enforced by the State.

Section 454(18), added by section 2331 of Pub. L. 97-35, requires States to submit delinquent AFDC cases involving child and spousal support to the Secretary of the Treasury for collection by Federal tax refund offset. Section 171(a)(3) of Pub. L. 97-248 amended section 454(6)(C) of the Act to allow States to recover costs, in excess of any application fee, of providing IV-D services to non-AFDC families from the absent parent or from the collection made on behalf of the non-AFDC family, subject to certain conditions. This provision replaced the requirement under section 2335 of Pub. L. 97-35 that States charge the absent parent who owes support a fee equal to 10 percent of the amount owed. Section 2333 of Pub. L. 97-35 added section 454(20) of the Act (redesignated as section 454(19) by section 171(b)(1)(C) of Pub. L. 97-248) which requires IV-D agencies, beginning October 1, 1982, to determine if any individuals who owe support are receiving unemployment compensation and to enforce unmet obligations by withholding unemployment compensation through voluntary agreement with the individual or through legal process (garnishment). Interim final regulations with a comment period implementing the Federal tax refund offset provision were published on February 19, 1982 (see 47 FR 7425). Separate regulations will be issued to implement other provisions of Pub. L. 97-35 and Pub. L. 97-248.

Section 457 of the Act was amended to allow a State, in accordance with its State plan, to collect both child and spousal support for 5 months after a family ceases to receive AFDC, and, if the State is authorized by the family on whose behalf the collection will be made, to continue to collect both child and spousal support after that 5-month period.

In addition to the provisions discussed above, section 2332 of Pub. L. 97-35 amended title IV-D to allow States to use existing child support collection and enforcement procedures and systems for the collection and enforcement of spousal support in cases which meet the statutory requirements. Section 453 of the Act was amended to allow authorized individuals to use the Federal Parent Locator Service (PLS) to locate absent parents for the purpose of recovering amounts owed as child and spousal support. Under the amended section 460 of the Act, the Federal courts may be used for the enforcement of child and spousal support obligations. Section 452(b) of the Act was amended to require the Secretary of HHS, upon request by a State, to certify for collection by the Internal Revenue Service (IRS) the amount of any child support obligation assigned to the State, including any spousal support obligation for a parent who is living with the child. Subsection (b) was amended further to allow certification to the IRS of the amount of support owed under an administrative order, in addition to a court order, and to require States to reimburse the Secretary of the Treasury, instead of the United States, for any costs involved in making the collection. Regulations implementing section 402 of Pub. L. 96-265 which make IRS full collection services available to individuals who are not receiving AFDC were published on April 14, 1982 at 47 FR 16027. Those regulations do not require further revision by this document in order to apply to spousal support.

Finally, the duties of the Secretary of HHS under section 452 of the Act to establish standards for State programs, provide technical assistance to States, and report annually to Congress were expanded to include spousal support.

Section 171(a)(1) of Pub. L. 97-248, enacted on September 3, 1982, and effective on August 13, 1981, amended section 454(6)(A) of the Act to permit spousal support collection and enforcement services to be provided to individuals not eligible for AFDC. Therefore, States have the option of collecting spousal support in non-AFDC as well as AFDC cases.

OCSE issued interim instructions to IV-D agencies on the collection of spousal support in an Action Transmittal dated October 19, 1981 (OCSE-AT-81-25). That Action Transmittal is superseded by these regulations.

#### Changes to Existing Regulations

The collection and enforcement of spousal support is optional for States. If

a State chooses to collect spousal support, it may use all existing collection and enforcement procedures and systems for those cases which meet the requirements of the statute. The procedures and systems include use of the Federal courts for the enforcement of court orders (45 CFR 303.73), the full collection services available from the Secretary of the Treasury (45 CFR 303.71), collection of past-due support owed to AFDC families from Federal tax refunds (45 CFR 302.60), and use of the Federal Parent Locator Service (PLS) to locate absent parents (45 CFR 302.35 and 303.70). With the exception of the Federal tax refund offset which is available in AFDC cases only, all support and enforcement services with respect to spousal support are available to non-AFDC individuals who request them. If a State chooses to collect spousal support, it must do so on a statewide basis for both AFDC and non-AFDC cases.

If a State chooses to collect spousal support, all spousal support payments must be made to the State IV-D agency for distribution, as are child support payments, in accordance with the requirements of 45 CFR 302.51. Spousal support collections are also eligible for incentive payments as provided in 45 CFR 302.51(b)(2), (b)(4), and (f)(2) in accordance with 45 CFR 303.52. A State may choose to continue to collect spousal support for a period of time not to exceed five months after a family ceases to receive AFDC if its State plan permits continuing the collection of support for that period of time in accordance with 45 CFR 302.51(e). At the end of the five month period, the State may continue to collect spousal support if authorized by the individual on whose behalf the collection will be made and pay the net amount collected to the individual after deducting any costs incurred in making the collection. Additionally, if a State has chosen to collect spousal support, in order to qualify for FFP at the 90 percent rate for the development of a comprehensive child support enforcement system in accordance with 45 CFR 302.85, the system must provide for the collection and distribution of spousal support.

We are implementing the statutory requirements by adding or deleting language in the existing regulations to extend collection and enforcement provisions to include spousal support. To the extent possible, we are simply deleting the word "child" wherever it appears before the word "support" to indicate that the regulatory provision applies to any support collected or enforced. However, in certain

circumstances, this approach is not possible and alternative language is used for clarity. We are also making a few minor changes to correct inconsistencies or to make the regulations easier to read.

The changes are being made in 45 CFR Parts 301 through 305. 45 CFR Part 306, Medical Support Enforcement, does not require amendment because this Part remains applicable only to support for children. Changes made in each Part and to specific regulations are discussed below.

**1. Part 301—State plan approval and grant procedures.**

Section 301.1 is amended to define spousal support as a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child for whom the individual also owes support. We are also revising § 301.1 by alphabetizing the definitions.

**2. Part 302—State plan requirements.**

Minor changes are necessary to many sections in Part 302 to include spousal support in the State plan requirements addressed in each section. We are not amending 45 CFR 302.50, Support obligations, which can be read to include spousal support as written. Either the word "child" is deleted wherever it appears before the word "support," or "and spousal support" or a similar phrase is added for clarity in the following sections:

Sec.

- 302.15 Reports and maintenance of records. (See discussion following.)
- 302.17 Inclusion of State statutes.
- 302.19 Bonding of employees.
- 302.20 Separation of cash handling and accounting functions.
- 302.31 Establishing paternity and securing support. (See discussion following.)
- 302.32 Child support payments to the IV-D agency.
- 302.33 Individuals not otherwise eligible for paternity and child support services. (See discussion following.)
- 302.34 Cooperative arrangements.
- 302.35 State parent locator service.
- 302.36 Cooperation with other States. (See discussion following.)
- 302.37 Distribution of child support payments.
- 302.51 Distribution of child support collections.
- 302.85 Computerized child support enforcement systems eligible for 90 percent FFP.

The State plan preprint changes required by this regulation have been approved by OMB under OMB number 0960-0253.

**45 CFR 302.15—Reports and maintenance of records.** We are amending § 302.15 to require IV-D agencies to maintain records on the number of cases in which spousal support is collected. This requirement is necessary because the Secretary of HHS must include a separate identification of the number of child support cases in which spousal support was involved in his annual report to Congress which is required under section 452(a)(10)(C) of the Act. This information will be collected on the revised OCSE-3, Child Support Enforcement Activities and Staff under Title IV-D of the Social Security Act.

The public is required to comply with the information collection requirements of § 302.15 of this rule. These requirements have been approved by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act (Pub. L. 96-511). The OMB approval number is 0960-0154.

**45 CFR 302.31—Establishing paternity and securing support.** Section 302.31 is revised to provide States with the option of collecting support for a spouse receiving AFDC, if support is also being collected for a child receiving AFDC with whom the spouse is living. Spousal support may be collected when the order specified separate amounts for the child and the spouse or when the order combines child and spousal support into a single amount.

The collection and enforcement of spousal support will normally occur with respect to support obligations containing both child and spousal support which are currently in existence for IV-D cases or with respect to those in existence at the time the case is referred to the IV-D agency by the IV-A agency. This provision does not authorize States to attempt to establish such an obligation or to establish, collect or enforce any obligation which provides only for spousal support. If, however, a child and spousal support obligation is established under a single support order at the direction of a judge or similar official over whom the IV-D agency has no control, States may collect and distribute the spousal support covered by such an order.

**45 CFR 302.33—Individuals not otherwise eligible for paternity and child support services.** Congress, in enacting section 2332 of Pub. L. 97-35, did not specifically include spousal support in section 454(6)(A) of the Act which makes child support enforcement and collection services available to individuals who are not AFDC recipients. However, section 171(a)(1) of Pub. L. 97-248, enacted on September 3,

1982, amends section 454(6)(A) of the Act to permit spousal support collection and enforcement services to be provided to individuals not otherwise eligible for AFDC. The amendment made by section 171(a)(1) is effective August 13, 1981. We are, therefore, amending 45 CFR 302.23 to allow States to provide spousal support enforcement and collection services to non-AFDC individuals who request them.

**45 CFR 302.36—Cooperation with other States.** Collection and enforcement of spousal support is optional for States in intrastate cases. However, the amended section 454(9)(C) of the Act extends the interstate cooperation requirements to the collection and enforcement of spousal support obligations. Therefore, States must, regardless of whether or not they have chosen to collect spousal support in their own State, cooperate with any other State which requests assistance in collecting and enforcing spousal support.

**3. Part 303—Standards for program operations.**

We are not amending the following sections because they can be read to include spousal support as written: §§ 303.2, Maintenance of case records; 303.3, Location of absent parents; 303.21, Safeguarding information; 303.52, Incentive payments to States and political subdivisions; 303.71, Requests for collection by the Secretary of the Treasury; and 303.73, Applications to use the Courts of the United States to enforce courts orders.

We are, however, making technical changes to a number of other sections in Part 303 to include spousal support. Since these changes are similar to changes in Part 302—State plan requirements—i.e., deleting the word "child" wherever it appears before the word "support" or inserting the words "support," "and spousal support," or a similar phrase—they are not discussed in further detail below.

The following sections of Part 303 are amended:

Sec.

- 303.6 Enforcement of support obligations.
- 303.7 Cooperation with other States.
- 303.20 Minimum organizational and staffing requirements.
- 303.65 Approval of advance planning documents for computerized child support enforcement systems eligible for 90 percent FFP.
- 303.66 Review of computerized child support systems eligible for 90 percent FFP.
- 303.67 Suspension of approval of advance planning documents for computerized child support

enforcement systems eligible for 90 percent FFP.

303.70 Requests by the State Parent Locator Service for information from the Federal Parent Locator Service.

4. 45 CFR Part 304—Federal Financial Participation

When a State chooses to collect spousal support, Federal financial participation (FFP) is available for the administrative costs of collecting and processing the spousal support in those cases which meet the statutory requirements. If a State does not choose to collect spousal support itself but collects spousal support in an interstate case, incentive payments under section 458 of the Act and FFP for the administrative costs of collecting, distributing or otherwise processing spousal support in the interstate case are available.

Minor changes are necessary to several sections in Part 304 to provide for FFP in the costs of collecting and processing spousal support. Because the changes are technical in nature they are not discussed in more detail in this preamble. The following sections of Part 304 are amended to clarify the circumstances under which FFP is available:

Sec.

304.20 Availability and rate of Federal financial participation

304.21 Federal financial participation in the costs of cooperative agreements with courts and law enforcement officials.

304.22 Federal financial participation in purchased child support enforcement services.

304.23 Expenditures for which Federal financial participation is not available.

304.26 Determination of Federal share of collections.

304.90 Federal financial participation at the 90 percent rate for computerized child support enforcement systems.

304.91 Federal financial participation at the 75 percent rate for computerized child support enforcement systems.

5. 45 CFR Part 305—Audit and Penalty

We are not amending 45 CFR 305.32, Cooperation with other States, because it can be read to include spousal support as written. Minor changes are necessary, however, to Part 305 to include spousal support by deleting the word "child" where it appears before the word "support." These changes are similar to changes in the State plan requirements under Part 302:

Sec.

305.20 Audit criteria.

305.26 Enforcement of support obligations.

305.27 Child support payment to the IV-D agency.

305.28 Distribution of child support payments.

305.31 Individuals not otherwise eligible.

305.34 Cooperative arrangements.

Waiver of Proposed Rulemaking

These regulations are being published in final form with a comment period. The Administrative Procedure Act, 5 U.S.C. 553(b)(3), provides that, if the Department for good cause finds that a notice of proposed rulemaking is unnecessary, impracticable, or contrary to the public interest, it may dispense with the notice if it incorporates in the final regulations a brief statement of the reasons for doing so.

The Department finds that there is good cause to dispense with proposed rulemaking procedures with respect to these changes. We find that publication of these regulations in proposed form is unnecessary for the following reasons. Pub. L. 97-35, enacted August 13, 1981, was effective October 1, 1981. Section 171(a)(1) of Pub. L. 97-248, enacted on September 3, 1982, was effective August 13, 1981. The statute is explicit with respect to the requirements for the collection and enforcement of spousal support and leaves OCSE no discretion in implementing those requirements. Changes to the regulations are mainly technical since existing regulatory requirements, procedures, and services for the enforcement and collection of child support are merely expanded to include spousal support. These changes will result in increased collections and eliminate difficulties States encountered in determining how to collect and distribute child support when both child and spousal support are included in the same support order. In addition, since a comment period follows publication, any problems with these changes that are pointed out can be addressed immediately.

For these reasons, OCSE believes that there is sufficient cause to dispense with proposed rulemaking. Nonetheless, we wish to have the advantage of the information and opinions we may receive through public comments. We will consider any comments received.

List of Subjects

45 CFR Parts 301, 302, 303 and 304

Child welfare, Grant programs—social programs.

45 CFR Part 305

Child welfare, Grant programs—social programs, Accounting.

Regulatory Burden

The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not meet any of the criteria set forth in Section 1 of the Executive Order. The Secretary certifies that because these regulations apply to States and will not have a significant economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980. This rule implements section 2332 of Pub. L. 97-35 which allows States to collect spousal support. We estimate implementation of the spousal support provision will result in collections of \$5 million each year from FY 1982 through 1986.

PART 301—[AMENDED]

1. 45 CFR Part 301 is amended by revising § 301.1 to read as follows:

§ 301.1 General definitions.

When used in this chapter, unless the context otherwise indicates:

"Act" means the Social Security Act, and the title referred to is title IV-D of that Act.

"Department" means the Department of Health and Human Services.

"Director" means the Director, Office of Child Support Enforcement, who is the Secretary's designee to administer the Child Support Enforcement program under title IV-D.

"Federal PLS" means the Parent Locator Service operated by the Office of Child Support Enforcement pursuant to section 452(a)(9) of the Act.

"IV-D Agency" means the single and separate organizational unit in the State that has the responsibility for administering or supervising the administration of the State plan under title IV-D of the Act.

"Office" means the Office of Child Support Enforcement which is the separate organizational unit within the Department with the responsibility for the administration of the program under this title.

"Regional Office" and "Central Office" refer to the Regional Offices and the Central Office of the Office of Child Support Enforcement, respectively.

"Secretary" means the Secretary of Health and Human Services.

"Spousal support" means a legally enforceable obligation assessed against

an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support.

"State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

The "State plan" means the State plan for child and spousal support under section 454 of the Act.

"State PLS" means the service established by the IV-D agency pursuant to section 454(8) of the Act to locate absent parents.

#### PART 302—[AMENDED]

2. 45 CFR Part 302 is amended as shown.

A. By revising § 302.15(a)(1) (i) through (iv) to read as follows:

##### § 302.15 Reports and maintenance of records.

(a) The State plan shall provide that:

(1) The IV-D agency will maintain records necessary for the proper and efficient operation of the plan, including records regarding:

(i) Applications pursuant to § 302.33 for support services available under the State plan;

(ii) Location of absent parents, actions to establish paternity and obtain and enforce support, and the costs incurred in such actions;

(iii) Amount and sources of support collections (including separate identification of the number of cases in which spousal support is collected) and the distribution of these collections;

(iv) Any fees charged or paid for support enforcement services;

B. By revising § 302.17 to read as follows:

##### § 302.17 Inclusion of State statutes.

The State plan shall provide a copy of State statutes, or regulations promulgated pursuant to such statutes and having the force of law (including citations of such statutes and regulations), that provide procedures to be used in the determination of paternity of a child born out of wedlock, and to establish the child support obligation of a responsible parent, and to enforce the support obligation, including spousal support if the State has chosen to collect spousal support under § 302.31(a)(2) of this part.

##### §§ 302.19, 302.20, 302.32, 302.33, 302.37, 302.51, 302.52, and 302.85 [Amended]

C. By removing the word "child" where it appears in the following sections as follows:

1. In title headings for §§ 302.32, 302.33, 302.37, 302.51 and 302.85 of the Table of Contents;

2. Section 302.19 (b) and (e);

3. Section 302.20 (a) and (c);

4. the title of § 302.32;

5. Section 302.32 (a) and (e);

6. Section 302.33 title and text;

7. Section 302.37 title and text;

8. the title of § 302.51;

9. Section 302.51 (b)(2), (c) and (e);

10. Section 302.52(d);

11. The title of § 302.85; and

12. Sections 302.85(a) (2), (2)(ii), (3), (5), and (7); (b); (c); and (c) (2), (2)(i), (2)(v), (2)(ix), and (2)(x).

D. By revising § 302.31 to read as follows:

##### § 302.31 Establishing paternity and securing support.

The State plan shall provide that:

(a) The IV-D agency will undertake:

(1) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title is effective, to establish the paternity of such child; and

(2) In the case of any individual with respect to whom an assignment under § 232.11 of this title is effective, to secure support for a child or children from any person who is legally liable for such support, and, at the option of the State, from such person for his or her spouse (or former spouse) who is living with the child or children (but only if a support obligation has been established with respect to such spouse), using reciprocal arrangements adopted with other States when appropriate.

(b)(1) The IV-D agency will not undertake to establish paternity or secure support in any case for which it has received notice from the IV-A agency that there has been a finding of good cause under §§ 232.40 through 232.49 of this title except as provided in paragraph (c) of this section.

(2) Upon receiving notice from the IV-A agency that an applicant or recipient has claimed good cause, the IV-D agency will suspend all activities to establish paternity or secure support until notified of a final determination by the IV-A agency.

(c) The IV-D agency will not undertake to establish paternity or secure support if there has been a finding of good cause pursuant to §§ 232.40 through 232.49 of this title unless there has been a determination by the State or local IV-A agency that support enforcement may proceed without the participation of the caretaker relative. If there has been such a determination, the IV-D agency will undertake to establish paternity or

secure support but may not involve the caretaker relative in such undertaking.

E. By revising § 302.34(a). The introductory text is not changed. It is shown for the convenience of the user.

##### § 302.34 Cooperative arrangements

The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law-enforcement officials. Such agreements may be entered into with a single official covering more than one court, official, or agency, if such single official has the legal authority to enter into agreements on behalf of such courts, officials, or agencies. Such agreements shall contain provisions for providing courts and law-enforcement officials with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained under § 235.70 of this title to the court or law-enforcement official, to the extent that such information is relevant to the duties to be performed pursuant to the agreement. They shall also provide for assistance to the IV-D agency in carrying out the program, and may relate to any other matters of common concern. Under this requirement such agreements may include provisions:

(a) For the investigation and prosecution of fraud directly related to paternity and child and spousal support;

\* \* \* \* \*

F. By revising § 302.35(c)(1) to read as follows:

##### § 302.35 State parent locator service.

The State plan shall provide as follows:

\* \* \* \* \*

(c) The State PLS shall only accept requests to use the Federal PLS from:

(1) Any State or local agency or official seeking to collect child and spousal support obligations under the State plan, or medical support obligations if an agreement is in effect under § 306.2 of this chapter;

\* \* \* \* \*

G. By revising § 302.36(c) to read as follows:

##### § 302.36 Cooperation with other States.

The State plan shall provide that the State will cooperate with any other State:

\* \* \* \* \*

(c) In securing compliance by an absent parent who is present in the State with an order issued by a court of competent jurisdiction against such parent for the support and maintenance

of a child or children of such parent and of the spouse (or former spouse) of such parent with whom the child or children are living and with respect to whom aid is being provided under the plan approved under title IV-A of the Social Security Act in any other State; and,

H. By revising § 302.51(b) introductory text to read as follows:

**§ 302.51 Distribution of support collections.**

The State plan shall provide as follows:

(b) The amounts collected as support by the IV-D agency pursuant to the State plan for children and the parents of such children who are current recipients of aid under the State's title IV-A plan and for whom an assignment under § 232.11 of this title is effective shall be distributed as follows:

**PART 303—[AMENDED]**

3. 45 CFR Part 303 is amended as shown.

**§§ 303.6, 303.20, and 303.70 [Amended]**

A. By removing the word "child" in § 303.6(f), § 303.20(c) introductory phrase, § 303.20(c)(1), and § 303.70(d)(1) after the word "securing".

B. By § 303.7(a) introductory text to read as follows:

**§ 303.7 Cooperation with other States.**

(a) For all cases referred to the IV-D agency under the State plan of another State, the IV-D agency must assist the other State in locating an absent parent, establishing paternity, or securing support for a child or children and for the spouse (or former spouse) of the absent parent with whom the child or children are living in the other State. Under this standard, the IV-D agency must:

**§ 303.20 [Amended]**

C. By adding the word "child" after the word "parent's" in § 303.20(c)(5).

**§§ 303.65, 303.66, and 303.67 [Amended]**

D. By substituting the phrase "computerized support enforcement" for "computerized child support enforcement" wherever it appears in §§ 303.65, 303.66, and 303.67.

**PART 304—[AMENDED]**

4. 45 CFR Part 304 is amended as shown.

A. By revising § 304.20(b)(3) to read as follows:

**§ 304.20 Availability and rate of Federal financial participation**

(b) Services and activities for which Federal financial participation will be available shall be those made pursuant to the approved title IV-D State plan, except any expenditure incurred in providing location services to individuals listed in 45 CFR 302.35(c)(4), which are determined by the Secretary to be necessary expenditures properly attributable to the child support enforcement program including the following:

(3) The establishment and enforcement of support obligations including:

(i) Investigation, the development of evidence and when appropriate, bringing court actions;

(ii) Determination of the amount of the child support obligation including developing the information needed for a financial assessment;

(iii) Referral of cases to the IV-D agency of another State to establish a child support obligation when appropriate;

(iv) Enforcement of a support obligation including those activities associated with collections and the enforcement of court orders, such as contempt citations, issuance of warrants, investigation, wage attachment and processing, and the obtaining and enforcing of court-ordered support through civil or criminal proceedings either in the State that granted the order or in another State;

(v) Investigation and prosecution of fraud related to child and spousal support.

B. By removing the word "child" where it appears in the following sections as follows:

**§§ 304.20, 304.21, 304.22, 304.23, and 304.26 [Amended]**

1. In title headings for §§ 304.22, 304.90 and 304.91 of the Table of Contents;

2. § 304.20(a) (1) and (4); (b)(1) (ii) and (iii); (b)(4)(ii); and (b)(6);

3. § 304.21(a)(2);

4. § 304.22 title and text;

5. § 304.23(b); and

6. § 304.26(a).

**§§ 304.90 and 304.91 [Amended]**

C. By substituting the phrase "computerized support enforcement" for "computerized child support enforcement" wherever it appears in §§ 304.90 and 304.91.

**PART 305—[AMENDED]**

**§§ 305.20, 305.26, 305.27, 305.28, 305.31, and 305.34 [Amended]**

5. 45 CFR Part 305 is amended by removing the word "child" where it appears in the following sections as follows:

A. In title headings for §§ 305.27 and 305.28 of the Table of Contents; and in § 305.20(a);

B. Section 305.26(c);

C. The title of § 305.27;

D. Section 305.27 introductory phrase, 305.27 (a) and (c);

E. Section 305.28 title and text;

F. Section 305.31; and

G. Section 305.34(a), after the word "collect."

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302) and secs. 451, 452, 453, 454, 457, and 460 of the Social Security Act (43 U.S.C. 651, 652, 653, 654, 657, and 660))

(Catalog of Federal Domestic Assistance program No. 13.679, Child Support Enforcement Program)

The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not meet any of the criteria set forth in Section 1 of the Executive Order. The Secretary certifies that because these regulations apply to States and will not have a significant economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980.

Dated: October 15, 1982.

John A. Svahn,

Director, Office of Child Support Enforcement.

Approved: December 2, 1982.

Richard S. Schweiker,  
Secretary.

[FR Doc. 82-34662 Filed 12-22-82; 8:45 am]

BILLING CODE 4190-11-M

**45 CFR Parts 303, 304, and 305**

**Reduction in Federal Funding Rate; Reduction in Incentive Payments to States and Political Subdivisions; Repeal of Expanded Federal Funding in the Costs of Cooperative Agreements With Courts and Law Enforcement Officials**

**AGENCY:** Office of Child Support Enforcement (OCSE), HHS.

**ACTION:** Final rule.

**SUMMARY:** This regulation implements section 174 of Pub. L. 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, signed into law on September 3,

1982. Section 174 reduces Federal payments to States under the Child Support Enforcement program. The reductions are in three areas: (1) Federal funding of State administrative costs is reduced from 75 to 70 percent effective October 1, 1982; (2) incentive payments to States and political subdivisions are reduced from 15 to 12 percent of Aid to Families with Dependent Children (AFDC) collections retained by the State for which both enforcement and collection action has been taken; and (3) Federal funding of the expenditures of courts for support personnel of judges and other individuals who make judicial determinations in child support enforcement cases and the administrative costs incurred on behalf of the support personnel is eliminated. The latter two reductions are effective October 1, 1983.

**EFFECTIVE DATES:** Changes made by this rule to reduce Federal funding from 75 percent to 70 percent of a State's expenditures in 45 CFR 303.65, Part 304 and 305.22 are effective October 1, 1982. Changes made by this rule to reduce incentive payments and eliminate funding of certain court costs in 45 CFR 303.52 and 304.21 are effective October 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Pierre Mooney, (301) 443-5350.

**SUPPLEMENTARY INFORMATION:**

**Reduction in Federal Funding Rate**

Federal funding is available to States for administrative costs incurred pursuant to a State plan approved under title IV-D of the Social Security Act (the Act). This funding is authorized by section 455(a)(1) of the Act. Section 174 of Pub. L. 97-248 amends section 455(a)(1) by reducing the Federal funding rate from 75 to 70 percent. The new rate applies to amounts expended in quarters beginning on or after October 1, 1982. We are implementing this change by substituting the phrase "70 percent" for the phrase "75 percent" in 45 CFR 303.65 and wherever it appears in Part 304. Also, we are making a conforming change to § 305.22, State financial participation, to specify that the State share in funding the administrative costs of the program has risen from 25 to 30 percent.

**Reduction in Incentive Payments**

Under section 458 of the Act, States and political subdivisions that enforce and collect child support receive incentive payments on the collections made on behalf of an AFDC recipient and retained by the State. The incentive payment is a portion of the Federal share of the collection which would

otherwise be used to reimburse the Federal government for its contribution toward the AFDC payments made to the recipient. Upon the creation of title IV-D of the Act by Pub. L. 93-647, the incentive payment rate was fixed at 25 percent for the first 12 months for obligations collected and retained by the State and 10 percent thereafter. Pub. L. 95-30 eliminated the variable 25 and 10 percent rates and substituted a flat 15 percent rate effective May 23, 1977. Pub. L. 97-248 reduces the 15 percent rate of incentive payments to 12 percent. This 12 percent rate must be used in calculating the incentives payable for collections made on or after October 1, 1983. We are implementing this change by substituting the phrase "12 percent" for the phrase "15 percent" wherever it appears in 45 CFR 303.52, Incentive payments to States and political subdivisions, which was published as a final rule in the *Federal Register* on August 27, 1982 (47 FR 37886).

**Repeal of Expanded FFP for Court Costs**

Section 174(b) of Pub. L. 97-248 reduces Federal funding of court costs related to child support enforcement. Section 404(a) of Pub. L. 96-265, the Social Security Disability Amendments of 1980, amended section 455 of the Act by adding a new paragraph (c). That paragraph expanded Federal funding to include expenditures for the support personnel of judges and other individuals who make judicial determinations in child support enforcement court cases and administrative costs incurred on behalf of those support personnel. States could only claim this expanded Federal funding where expenditures exceeded the funds spent on those same costs during calendar year 1978. To obtain the expanded funding States had to reconstruct and document those administrative and personnel costs incurred by courts under the IV-D State plan in that year. Specific costs which were included under this expanded Federal funding were costs of judicial support staff such as bailiffs, stenographers and clerks. Also included were administrative costs incurred on behalf of these support personnel in performing IV-D functions under a cooperative agreement, such as office space, equipment, furnishings, supplies, travel and training. Pub. L. 97-248 repeals this expanded court costs provision effective October 1, 1983. Federal funding for those costs authorized under section 404(a) of Pub. L. 96-265 is available until that date. We are implementing section 174(b) of Pub. L. 97-248 by deleting paragraphs (c), (d) and (e)(2), redesignating paragraphs

(e)(1) and (f) as (c) and (d) respectively, and revising paragraph (b) of 45 CFR 304.21, Federal financial participation in the costs of cooperative agreements with courts and law enforcement officials, which was published as a final rule in the *Federal Register* on November 24, 1982 (47 FR 53014).

**Waiver of Proposed Rulemaking**

These changes to the regulations are being published in final form. The Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, if the Department for good cause finds that a notice of proposed rulemaking is unnecessary, impracticable or contrary to the public interest, it may dispense with such notice.

We find that there is good cause to dispense with proposed rulemaking because these regulations are based on specific statutory provisions in section 174 of Pub. L. 97-248 which leave the agency no discretion with respect to interpretation. A notice of proposed rulemaking, therefore, is unnecessary.

**List of Subjects**

45 CFR Parts 303 and 304

Child welfare, Grant programs—  
Social programs.

45 CFR Part 305

Child welfare, Grant programs—  
Social programs, Accounting.

**OMB Clearance**

These regulations contain no reporting or recordkeeping requirements involving Office of Management and Budget clearance under the Paperwork Reduction Act of 1980.

**Regulatory Burden**

OCSE estimates that the revisions specified in this regulation will result in a savings to the Federal government of \$64 million in FY 1983, \$108 million in FY 1984, and \$121 million in FY 1985. However, because the rules adhere strictly to the statutory provisions in section 174 of Pub. L. 97-248, which leave no room for interpretation, the Secretary has determined that the rule does not meet any of the criteria for a major rule under Executive Order 12291, and a regulatory impact analysis is not required.

45 CFR Parts 303, 304 and 305 are amended to read as follows:

**PART 303—[AMENDED]**

**§ 303.52 [Amended]**

1. 45 CFR 303.52 is amended by substituting the phrase "12 percent" for "15 percent" wherever it appears.

**§ 303.65 [Amended]**

2. 45 CFR 303.65 is amended by substituting the phrase "70 percent" for "75 percent" wherever it appears.

**PART 304—[AMENDED]**

3. 45 CFR Part 304 is amended by substituting the phrase "70 percent" for "75 percent" wherever it appears.

**§ 304.21 [Amended]**

4. 45 CFR 304.21 is amended by removing paragraphs (c), (d) and (e)(2) and redesignating paragraphs (e)(1) and (f) as (c) and (d), respectively. In addition, paragraph (b) is amended by revising the introductory text of paragraph (b) and paragraph (b)(4) and by adding (b)(5) to read as follows:

**§ 304.21 Federal financial participation in the costs of cooperative agreements with courts and law enforcement officials.**

(b) *Limitations.* Federal financial participation is not available in:

(4) Office-related costs, such as space, equipment, furnishings and supplies, incurred by judges or other officials who make judicial decisions;

(5) Compensation (salary and fringe benefits), travel and training, and office-related costs incurred by administrative and support staffs of judges and other officials who make judicial decisions.

**PART 305—[AMENDED]**

5. 45 CFR 305.22(a) is revised to read as follows:

**§ 305.22 State financial participation.**

(a) A State must participate financially by incurring 30 percent of the cost of the program; and

*Note.*—The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not meet any of the criteria set forth in Section 1 of the Executive Order. The Secretary certifies that because these regulations apply to States and will not have significant economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Dated: October 12, 1982.

John A. Svahn,  
Director, Office of Child Support  
Enforcement.

Approved: December 8, 1982.

Richard S. Schweiker,  
Secretary.

[FR Doc. 82-34681 Filed 12-22-82; 8:45 am]  
BILLING CODE 4190-11-M

**NATIONAL SCIENCE FOUNDATION****45 CFR Part 601****Classification and Declassification of National Security Information and Material**

**AGENCY:** National Science Foundation.  
**ACTION:** Regulation revision.

**SUMMARY:** The Foundation is adopting this revision of its regulations to comply with Executive Order 12356, relating to the classification, downgrading, declassification and safeguarding of national security information.

**EFFECTIVE DATE:** January 3, 1983.

**FOR FURTHER INFORMATION CONTACT:** Melvin D. Ford, Division of Administrative Services, National Science Foundation, 1800 G Street, NW., Washington, D.C., 20550; Telephone (202) 357-7884.

**SUPPLEMENTARY INFORMATION:** Executive Order 12356, National Security Information, requires that agencies that originate or handle classified information establish procedures to prevent unnecessary access to classified information, including procedures that require that a demonstrable need for access to classified information is established before initiating administrative clearance procedures, and ensure that the number of persons granted access to classified information is limited to the minimum consistent with operational and security requirements and needs.

**List of Subjects in 45 CFR Part 601**

Classified information.  
Accordingly, Chapter VI of Title 45 of the Code of Federal Regulations is hereby amended by revising Part 601 to read as follows:

**PART 601—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION**

Sec.  
601.1 Purpose.  
601.2 Classification authority.  
601.3 Security program.  
601.4 Classification Review Committee.  
601.5 Derivative classification.  
601.6 Downgrading and declassification.

Sec.  
601.7 Mandatory declassification review.  
601.8 Access to classified materials.  
601.9 Access by historical researchers and former Presidential appointees.  
Authority: E.O. 12356, 43 FR 14874, April 2, 1982.

**§ 601.1 Purpose.**

Pursuant to Executive Order 12356 and Information Security Oversight Office Directive No. 1, the National Science Foundation [Foundation] issues the following regulations. The regulations identify the information to be protected, prescribe classification, declassification, downgrading, and safeguarding procedures to be followed, and establish a monitoring system to ensure the regulations' effectiveness.

**§ 601.2 Classification authority.**

The Foundation does not have original classification authority under Executive Order 12356. In any instance where a Foundation employee develops information that appears to warrant classification because of its national security character, the material will be afforded protection and sent to the Division of Administrative Services (DAS). Upon determination that classification is warranted, DAS will submit such material to the agency that has appropriate subject matter interest and classification authority.

**§ 601.3 Security program.**

The Director, Division of Administrative Services, is responsible for conducting a security program that ensures effective implementation of Executive Order 12356, to include:

(a) Maintaining active training and orientation programs for employees concerned with classified information or material.

(b) Encouraging Foundation personnel to challenge those classification decisions they believe to be improper.

(c) Issuing directives that ensure classified information is used, processed, stored, reproduced and transmitted only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(d) Recommending to the Director appropriate administrative action to correct abuse or violation of any provision of these regulations, including notification by warning letters, formal reprimand, and to the extent permitted by law, suspension without pay and removal.

**§ 601.4 Classification Review Committee.**

The Security Officer (Information) chairs the Foundation's Classification Review Committee which has authority to act on all suggestions and complaints

with respect to the Foundation's administration of the regulations. The Assistant Directors and the Heads of other offices reporting to the Director serve as members of the Committee. All suggestions and complaints including those regarding overclassification, failure to classify, or delay in declassifying not otherwise resolved, shall be referred to the Committee for resolution. The Committee shall establish procedures to review and act within 30 days upon all appeals regarding requests for declassification. The Committee is authorized to overrule previous determinations in whole or in part when in its judgment, continued protection is no longer required. If the Committee determines that continued classification is required under the criteria of the Executive Order, it shall promptly so notify the requester and advise him that he may file an application for review with the Foundation. In addition, the Committee shall review all appeals of requests for records under section 552 of Title 5 U.S.C. (Freedom of Information Act) when the proposed denial is based on their continued classification under Executive Order 12356.

#### § 601.5 Derivative classification.

Distinct from "original" classification is the determination that information is in substance the same as information currently classified, because of incorporating, paraphrasing, restating or generating in new form information that is already classified, and marking the newly developed material consistent with the marking of the source information. Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(a) If a person who applies derivative classification markings believes that the paraphrasing, restating, or summarizing of classified information has changed the level of or removed the basis for classification, that person must consult for a determination an appropriate official of the originating agency or office of origin who has the authority to upgrade, downgrade, or declassify the information.

(b) The person who applies derivative classification markings shall observe and respect original classification decisions; and carry forward to any newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for

documents classified on the basis of multiple sources.

#### § 601.6 Downgrading and declassification.

Executive Order 12356 prescribes a uniform system for classifying, declassifying, and safeguarding national security information.

(a) Information shall be declassified or downgraded as soon as national security considerations permit. The National Science Foundation shall coordinate their review of classified information with other agencies that have a direct interests in the subject matter. Information that continues to meet the classification requirements prescribed by Section 1.3 despite the passage of time will continue to be protected in accordance with Executive Order 12356.

(b) Foundation documents may be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position; the originator's successor; a supervisory official of either; or officials delegated such authority in writing by the Director.

(c) The Director shall conduct internal systematic review programs for classified information originated by the Foundation contained in records determined by the Archivist to be permanently valuable but that have not been accessioned into the National Archives of the United States.

(d) The Archivist of the United States shall, in accordance with procedures and timeframes prescribed in the Information Security Oversight Office's directives implementing E.O. 12356, systematically review for declassification or downgrading, classified records accessioned into the National Archives of the United States. Such information shall be reviewed by the Archivist for declassification or downgrading in accordance with systematic review guidelines that shall be provided by the head of the agency that originated the information, or in the case of foreign government information, by the Director of Information Security Oversight Office in consultation with interested agency heads.

#### § 601.7 Mandatory declassification review.

(a) The Division of Administrative Services is hereby designated as the office to which members of the public or Departments may direct requests for mandatory review for declassification under this provision. In the case of documents originally classified by the Foundation, this office shall, in turn, assign the request to the appropriate office for action within 60 days. In each instance, receipt of the request will be

acknowledged in writing immediately by the office that has been assigned action. A request for classification review must reasonably describe the document.

(b) Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information to the extent possible. Whenever a request does not reasonably describe the information sought, the requester shall be notified that unless additional information is provided or the scope of the request is narrowed, no further action will be undertaken. Upon a determination that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under 5 U.S.C. 552(b) (Freedom of Information Act) or other provision of law. If the information may not be released in whole or in part the requester shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination of the Classification Review Committee, and a notice that such an appeal must be filed with the Foundation within 60 days in order to be considered.

(c) When the request relates to a document given derivative classification by the Foundation or originated by another agency, the request and the document will be forwarded to the originator of the source document, and the requestor notified of such referral.

(d) Employees presently cleared for access to classified information are encouraged to challenge classification in cases where there is reasonable cause to believe that information is classified unnecessarily, improperly, or for an inappropriate period of time. Such challenges should be brought to the attention of the Security Officer (Information) who will act thereon within 30 days, informing the challenger of actions taken. Requests for confidentiality will be honored.

#### § 601.8 Access to classified materials.

No person may be given access to classified information unless that person has been determined to be trustworthy and unless access is essential to the accomplishment of lawful and authorized Government purposes.

#### § 601.9 Access by historical researchers and former Presidential appointees.

The requirement in § 601.8 that access to classified information may be granted only as is essential to the accomplishment of lawful and authorized Government purposes may

be waived for persons who are engaged in historical research projects, or previously have occupied policymaking positions to which they were appointed by the President, provided they execute written agreements to safeguard the information and written consent to the Foundation's review of their notes and manuscripts solely for the purpose of determining that no classified information is disclosed. A precondition to any such access is the favorable completion of an appropriate investigative inquiry.

Dated: December 14, 1982.

Edward A. Knapp,  
Director.

[FR Doc. 82-34777 Filed 12-22-82; 8:45 am]

BILLING CODE 7555-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 2

#### Amendment To Effect Certain Editorial Changes to Footnote US 77

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission is editorially amending its rules to update Footnote US 77 to the Table of Frequency Allocations. Certain rule provisions enacted for Commission licensed ship radio stations to conduct bridge-to-bridge, navigational and vessel traffic service communications apply equally to Government vessels and should be reflected in § 2.106, Footnote US 77. The Table of Frequency Allocations will be more complete by updating the footnote and frequency managers and Table users alike should benefit from listing all provisions for Government use of the maritime frequencies.

**EFFECTIVE DATE:** December 28, 1982.

**FOR FURTHER INFORMATION CONTACT:** Sam Tropea, Office of Science and Technology, 2025 "M" Street NW., Washington, D.C. 20554, (202) 653-8167.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 2

Frequency allocations.

In the matter of amendment of Part 2 of the Commission's Rules to effect certain editorial changes to Footnote US 77.

#### Order

Adopted: December 8, 1982.

Released: December 14, 1982.

1. In the Report and Orders released in Dockets 19343, Gen. Docket No. 78-

310 and PR Docket No. 81-744, the Commission amended its Rules relative to the use of the frequencies 156.25 MHz, 156.375 MHz, and 156.65 MHz by ship radio stations. Specifically the Commission actions provided that either 156.375 MHz or 156.65 MHz could be utilized by certain ships transmitting bridge-to-bridge and navigational communications and that 156.25 MHz could be utilized for vessel traffic service (VTS) communications in the Seattle, Washington area. While the provisions for use of these frequencies apply to Commission licensed vessels operating under Part 83 of the Rules, they equally apply to Government vessels also. Since the referenced rulemakings did not modify the Footnote in Part 2 of the Rules to indicate applicability to Government stations, Footnotes US 77 to the Table of Frequency Allocations in Section 2.106 is being amended to reflect the permissible Government station usage of the specified frequencies.

2. The specific rule amendments adopted are set forth in the Appendix. Authority for amendment is contained in Sections 4(i) and 303(r) of the Communications Act, as amended, and § 0.231(d) of the Commission's Rules. We are dispensing with the prior notice and public procedure provisions of the Administrative Procedures Act, Title 5 U.S.C. 553, as unnecessary since the amendments adopted herein are editorial in nature.

3. Accordingly, It is ordered, effective December 28, 1982, that Part 2 of the Commission's Rules is amended as set forth in the attached Appendix.

4. For further information regarding matters covered in this document contact Sam Tropea (202) 653-8167.

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

Federal Communications Commission.

Alan R. McKie,

Deputy Managing Director.

#### Appendix

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Section 2.106, footnote US 77 is amended to add the frequency 156.25 MHz to paragraph (d) and to add a new paragraph (e) to read as follows:

##### § 2.106 Table of frequency allocations.

\* \* \* \* \*

U.S. Footnotes

\* \* \* \* \*

US 77—Government stations may also be authorized:

\* \* \* \* \*

(d) Vessel traffic services under the control of the U.S. Coast Guard on a simplex basis by coast and ship stations on the frequencies 156.25, 156.55, 156.6 and 156.7 MHz.

(e) Navigational bridge-to-bridge and navigational communications on a simplex basis by coast and ship stations on the frequencies 156.375 and 156.65 MHz.

[FR Doc. 82-34822 Filed 12-22-82; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. 1; Amdt. 1-178]

#### Organization and Delegation of Powers and Duties; Assistant Secretary for Administration

**AGENCY:** Department of Transportation (DOT), Office of the Secretary.

**ACTION:** Final rule.

**SUMMARY:** Periodically, the Administrator of General Services delegates to the Secretary the authority—normally exercised by the General Services Administration (GSA)—to lease real property for use by DOT. These delegations from GSA are redelegable. The purpose of this amendment is to delegate this authority categorically to the Assistant Secretary for Administration so that he can redelegate it in each instance to the appropriate DOT official.

**DATE:** The effective date of this amendment is December 23, 1982.

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

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

#### List of Subjects in 49 CFR Part 1

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

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended by inserting at the end of § 1.59 a new paragraph (a)(4), to read as follows:

**§ 1.59 Delegations to Assistant Secretary for Administration.**

The Assistant Secretary for Administration is delegated authority for the following—

(a) *Procurement.* \* \* \*

(4) Carry out the functions delegated to the Secretary from time to time by the Administrator of General Services to lease real property for Department use.

(Sec. 9(e), Department of Transportation Act, 49 USC 1657(e))

Issued in Washington, DC, on November 17, 1982.

Andrew L. Lewis, Jr.,  
Secretary of Transportation.

[FR Doc. 82-34725 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-62-M

**Coast Guard****49 CFR Parts 450, 451, 452, and 453**

[CGD 82-086]

**Safety Approval of Cargo Containers**

AGENCY: Coast Guard, DOT.

ACTION: Final rule, correction.

**SUMMARY:** This document corrects 49 CFR 452.1, published November 8, 1982 [47 FR 50494-50496], by adding a footnote to the listed schedule for subsequent examination of containers safety plated before January 1, 1985. This footnote was inadvertently omitted when published. Its purpose is to cross-reference § 451.14 to the schedule for the convenience of the readers. Containers approved under § 451.14 are new containers by definition but are approved, examined, safety plated and re-examined as existing containers and are therefore treated as existing containers when applying the schedule listed in § 452.1.

**FOR FURTHER INFORMATION CONTACT:** Lt. Jeffrey G. Lantz, Merchant Vessel Inspection Division (G-MVI-5), Room 2407, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street SW, Washington, DC 20593, 202-426-4431.

**List of Subjects in 49 CFR Parts 450-453**

Cargo containers.

**§ 452.1 [Corrected]**

Accordingly § 452.1(a) is corrected by adding the following note at the bottom of the schedule for subsequent examination:

**Note.**—Containers plated under § 451.14 are considered existing containers in the above schedule.

(46 U.S.C. 1503, 49 CFR 1.46(n))

Dated: December 20, 1982.

Clyde T. Lusk, Jr.,

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

[FR Doc. 82-34910 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-14-M

**INTERSTATE COMMERCE COMMISSION****49 CFR Part 1033**

[Amdt. No. 1 to Twelfth Revised Service Order No. 1474]

**Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor (Richard B. Ogilvie, Trustee)**

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 To Twelfth Revised Service Order No. 1474.

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

**EFFECTIVE:** 11:59 p.m., December 31, 1982, and continuing in effect until 11:59 p.m., March 31, 1983, unless otherwise modified, amended or vacated by order of this Commission.

**FOR FURTHER INFORMATION CONTACT:**

M. F. Clemens, Jr., (202) 275-1559.

**SUPPLEMENTARY INFORMATION:**

Decided: December 17, 1982.

**PART 1033—[AMENDED]**

Upon further consideration of Twelfth Revised Service Order No. 1474 (47 FR 49649), and good cause appearing therefor:

**§ 1033.1474 [Amended]**

It is ordered, § 1033.1474 *Various railroads authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee), Twelfth Revised Service Order No. 1474* is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order are extended for an additional ninety (90) days, and shall expire at 11:59 p.m., March 31, 1983, unless otherwise modified, amended or vacated by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1982.

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

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

**List of Subjects in 49 CFR Part 1033**

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-34759 Filed 12-22-82; 8:45 am]

BILLING CODE 7035-01-M

# Proposed Rules

Federal Register

Vol. 47, No. 247

Thursday, December 23, 1982

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 92

[Docket No. 82-065]

#### Cattle From Mexico

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This document would amend the import regulations to provide conditions under which cattle could be imported into the United States from Mexico without complying with the herd of origin and of entry brucellosis test requirements.

The intended effect of this action would be to facilitate the importation of cattle from Mexico by removing the herd of origin and port of entry brucellosis test requirements and allowing the importation of such cattle into the United States under conditions which would minimize the risk of the spread of brucellosis to animals located in the United States.

**DATE:** Comments must be received on or before February 22, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Dr. D. E. Herrick, USDA, APHIS, VS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8170

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291

This proposed action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action would have an annual effect

on the economy of less than one hundred million dollars; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of the United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action would facilitate the importation of cattle from Mexico into the United States for movement directly to approve quarantined feedlots for feeding and return to Mexico for slaughter. Since such cattle are not to be slaughtered in the United States, they are not competitive with United States cattle.

#### Background

The Department believes that, by placing certain restrictions on the importation and subsequent handling of cattle from Mexico, some of the Department's requirements regarding the importation of these cattle from Mexico may be removed without increasing the risk of the dissemination of communicable disease in the United States.

Specifically, § 92.31(b) presently requires, among other things, that, except with respect to certain specified categories of cattle, for all cattle intended for importation from Mexico, an official record of a negative brucellosis test conducted on the herd of origin must be presented to the veterinary inspector at the port of entry when application is made for inspection.

This document would amend § 92.31(b) to include cattle which are imported in accordance with proposed § 92.35(e) (discussed below) in those categories of cattle for which an official record of a negative brucellosis test conducted on the herd of origin is not required to be presented to the veterinary inspector at the port of entry when application is made for inspection. The Department believes that the

restrictions on the importation and subsequent handling of cattle set forth in proposed § 92.35(e) and discussed below, preclude the need for having a record of a negative brucellosis test conducted on the herd of origin.

Section 92.35(d) requires, among other things, that except for steers, all cattle offered for importation from Mexico the United States must be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that the cattle originated in a herd in which all cattle (except calves under 6 months of age and steers) were subjected to a test for brucellosis and found negative; the date and place such herd was tested; and that the herd had been isolated from the time the herd was tested negative for brucellosis to the date of the offer of the cattle for entry into the United States. Further, § 92.35(d) requires, that all cattle, except for calves under 6 months of age, be subjected to an additional test for brucellosis at the port of entry and found negative to such test.

This document would amend § 92.35(d) to include cattle which are imported in accordance with proposed § 92.35(e) (discussed below) as an additional category of cattle which would not be required to be accompanied by a certificate stating that they originated in a herd in which all cattle (except calves under 6 months of age and steers) have been subjected to a test for brucellosis and found negative; the date and place such herd was tested; and that the herd of origin has been isolated from the time the herd was tested negative for brucellosis to the date of the offer of the cattle for entry into the United States. Additionally, cattle imported in accordance with proposed § 92.35(e) would not be required to be subjected to a test for brucellosis at the port of entry and found negative to such test.

The Department believes that the restrictions on the importation and subsequent handling of cattle set forth in proposed § 92.35(e) (discussed below) would reduce the risk of the dissemination of brucellosis in the United States to such a low level that there would be no need for a negative brucellosis test on the herd of origin and the test for brucellosis at the port of entry.

Further, present § 92.6(a) requires that all cattle offered for importation except as provided in §§ 92.20 and 92.35 (b) and

(c) and except cattle imported for immediate slaughter, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The reference to § 92.35 "(b)" is incorrect and would be corrected to read "(d)." In addition, this proposal would add a reference to § 95.35 "(e)" for the reasons set forth above.

Section 92.31(a), among other things, exempts importers of ruminants which are intended for importation from Mexico through a land border port and which meet certain specified conditions from the requirement that they apply for and obtain an import permit. This document would amend § 92.31(a) to require that importers who import cattle in accordance with proposed § 92.35(e) (discussed below) apply for and obtain an import permit. The Department believes that a large number of cattle may be imported in accordance with proposed § 92.35(e). The information on the application for an import permit will facilitate this Department's scheduling the additional workload that may be placed on the ports of entry and the coordination of these importations with state officials and other concerned federal agencies.

A new § 92.35(e) would be added to impose requirements upon the importation of certain cattle into the United States from Mexico. As discussed above, this document would amend the regulations concerning the importation of certain cattle from Mexico, to exempt such cattle from certain requirements presently imposed to prevent the introduction of brucellosis into the United States from Mexico. The Department, therefore, believes that the requirements set forth in proposed § 92.35(e) would be necessary to minimize the risk of the dissemination of brucellosis from cattle which would be exempt from the present brucellosis test requirements.

Specifically, proposed § 92.35(e)(1) would require that such cattle be entered into the United States under a United States Customs Bond and remain under such bond until returned to Mexico. United States Customs requires the posting of a bond for items which are not eligible for permanent import. The bond is required to assure that requirements for entry into the United States are met and to assure that either the import requirements will be met after entry or the item removed from the country. The Department would require

that the cattle imported pursuant to proposed § 92.35(e) be imported under United States Customs Bond to assure that the requirements for handling the cattle as set forth in this proposal are met and to assure that the cattle are returned to Mexico.

Proposed § 92.35(e)(2) would require that cattle imported from Mexico be hot iron branded with the letter "S" on the left jaw or high on the tailhead in letters not less than 2 nor more than 3 inches high so as to be visible from ground level. "S" branding would clearly identify the Mexican cattle in question as those that would be required to be kept in approved quarantined feedlots.

Proposed § 92.35(e)(3) would require that cattle imported from Mexico must be moved from the port of entry in vehicles sealed with Department seals and without diversion to an approved quarantined feedlot. The Department believes that the movement direct to an approved quarantined feedlot in vehicles sealed with Department seals is necessary to assure that such cattle are not unloaded enroute and do not come in contact with any other animals during this transportation to the approved quarantined feedlot. Vehicles used to transport these cattle would be sealed with Department seals since Veterinary Services representatives or State representatives would not always be available to accompany the vehicles in transit from the port of entry to the approved quarantined feedlot. Further, proposed § 92.35(e)(3) would require that the approved quarantined feedlot be designated in advance by the Deputy Administrator, Veterinary Services, and the State animal health official of the receiving State. The Department believes that this requirement would be necessary so that both the Department and the State in which the cattle are to be located are aware of the location to which the cattle would be sent.

Proposed § 92.35(e)(4) would require that the Department seals could only be removed on arrival at the approved quarantined feedlot by a Veterinary Services representative or a state representative. This requirement is necessary to assure that all cattle moved from the port of entry pursuant to this proposal arrive at and are placed in the approved quarantined feedlot.

Proposed § 92.35(e)(4) would also require that cattle imported from Mexico pursuant to this proposal be maintained at the approved quarantined feedlot in pens sealed with a Department seal and in a manner to prevent contact with other animals. This requirement would be necessary to prevent the possible spread of brucellosis to other animals in

the United States. The seals on pens would be broken only by a Veterinary Services representative or state representative. This requirement is proposed to ensure that no cattle imported from Mexico are removed from or escape from the approved quarantined feedlot except as provided by these regulations and thereby have an opportunity to intermingle with other animals in the United States.

Proposed § 92.35(e)(5) would require that the cattle or any offspring thereof which die, become disabled or diseased would be disposed of by burning, burial or removal directly to a rendering plant in accordance with the State animal health official's instructions. This requirement is necessary to prevent the possible dissemination of disease to other animals in the United States and to avoid the requirement that such cattle be returned to Mexico.

Proposed § 92.35(e)(6) would require that the State animal health official account for all cattle imported from Mexico and moved to the approved quarantined feedlot and any offspring of such cattle. This accounting would be made to the Deputy Administrator, Veterinary Services. The Department believes this accounting is necessary so that the Department is assured that all cattle imported from Mexico in accordance with this proposal and any offspring of such cattle, are removed from the United States or are disposed of in accordance with proposed § 92.35(e)(5).

Proposed § 92.35(e)(7) would require that the cattle imported from Mexico and any offspring of such cattle, except those cattle disposed of in accordance with proposed § 92.35(e)(5), are moved from the approved quarantined feedlot in a vehicle sealed with a Department seal, without diversion, to a port of export through which the cattle are returned to Mexico. The seals on vehicles used to move the cattle to the port of export would only be broken by a Veterinary Services representative or State representative. This requirement would be necessary to assure that the cattle and their offspring are moved to the port of export and returned to Mexico without contact with any animals in the United States.

The Department believes that by placing the restrictions as set forth in proposed § 92.35(e), the importation of cattle from Mexico into the United States without negative herd of origin and port of entry brucellosis tests could be accomplished without dissemination of brucellosis in the United States.

Four terms used in this document would be defined in order to clarify their

meanings. "State animal health official," "State representative," "Veterinary Services representative," and "Approved quarantined feedlot," would be added to the definitions in § 92.1.

An approved quarantined feedlot would be defined as a confined area under State quarantine which has been approved by the Deputy Administrator, Veterinary Services, and the State animal health official for feeding cattle from Mexico in dry lot with no provisions for pasturing or grazing. The Department believes that all these requirements are necessary to assure that the cattle remain in the feedlot, are not in contact with other animals in the United States, and can be accounted for at all times.

There are a number of references to regulations contained within the present regulations concerning importation of cattle from Mexico which are incorrect. This document would correct each of these incorrect references.

In § 92.31(b) the references to "§ 92.35(c)" would be corrected to read "§ 92.35(d)"; in § 92.33(a) the reference to "§ 92.35(a)(2)" would be corrected to read "§ 92.35(b)(2)"; in § 92.35(d)(2) the reference to "§ 78.15" would be corrected to read "§ 78.24"; in § 92.35(d)(2) the reference to "§ 78.1(v)" would be corrected to read "§ 78.1(q)"; and in § 92.35(d)(2) the reference to "§ 78.12(b)(1)" would be corrected to read "§ 78.8(b)."

#### Alternatives

1. Not to amend the regulations. This alternative was not adopted because the Department believes that with respect to cattle imported from Mexico, the negative herd of origin and port of entry brucellosis test requirements are unnecessary if such cattle are imported under specified conditions.

2. Amend the regulations to provide conditions under which cattle could be imported into the United States from Mexico without complying with the herd of origin and port of entry brucellosis test requirements. This amendment is proposed because the Department believes that the regulations requiring negative herd of origin and port of entry brucellosis tests for cattle imported from Mexico under conditions specified above herein, are not necessary to prevent the dissemination of brucellosis in the United States and would maximize the net benefit to society at the lowest net cost.

#### List of Subjects in 9 CFR Part 92

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

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

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. In § 92.1, new paragraphs (cc), (dd), (ee), and (ff) would be added to read as follows:

#### § 92.1 Definitions.

(cc) *Approved quarantined feedlot.*

Any confined area under state quarantine which has been approved jointly by the State animal health official and the Deputy Administrator, Veterinary Services, for feeding cattle from Mexico in dry lot with no provisions for pasturing or grazing.

(dd) *State animal health official.* The State animal health official who is responsible for the livestock and poultry disease control and eradication programs in a particular state or his designated representative.

(ee) *State representative.* A person employed in livestock sanitary work by a state and who is authorized by such state to perform the function involved.

(ff) *Veterinary Services Representative.* A person employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

#### § 92.6 [Amended]

2. In § 92.6(a) the reference to "§ 92.35 (b) and (c)" would be removed and referenced to "§ 92.35 (c), (d) and (e)" would be inserted in lieu thereof.

3. In § 92.31(a), the proviso would be revised to read as follows:

#### § 92.31 Import permits and applications for inspection for animals and animal semen.

(a) \* \* \* *Provided*, That an import permit is not required for a ruminant offered for entry at a land border port designated in § 92.3(c), except for cattle imported in accordance with § 92.35(e), if such animal:

4. In § 92.31(b), the second sentence would be revised to read as follows:

#### § 92.31 Import permits and applications for inspection for animals and animal semen.

(b) \* \* \* For all cattle, except those entering pursuant to the third proviso in

§ 92.35(d), steers and cattle imported in accordance with § 92.35(e), an official record of negative brucellosis test conducted on the herd of origin as required in § 92.35(d) shall be presented to the veterinary inspector at the port of entry when application is made for inspection.

#### § 92.33 [Amended]

5. In § 92.33(a), the reference to "§ 92.35(a)(2)" would be removed and reference to "§ 92.35(b)(2)" would be inserted in lieu thereof.

6. In § 92.35(d), the introductory paragraph preceding the colon would be amended to read as follows:

#### § 92.35 Cattle from Mexico.

(d) *Brucellosis.* All cattle offered for importation into the United States from Mexico shall be individually identified with a numbered metal tag; and except in the case of steers and cattle imported in accordance with paragraph (e) of this section, shall be eligible for entry into the United States only if, in addition to complying with other applicable provisions of this part, they:

7. In § 92.35(d)(2) the reference to "§ 78.15" would be removed and reference to "§ 78.24" would be inserted in lieu thereof.

8. In § 92.35(d)(2) the reference to "§ 78.1(v)" would be removed and reference to "§ 78.1(q)" would be inserted in lieu thereof.

9. In § 92.35(d)(2) the reference to "§ 78.12(b)(1)" would be removed and reference to "§ 78.8(b)" would be inserted in lieu thereof.

10. In § 92.35, a new paragraph (e) would be added to read as follows:

#### § 92.35 Cattle from Mexico.

(e) *Cattle for feeding from Mexico.* Cattle may be imported into the United States from Mexico if, in addition to other applicable provisions of this part:

(1) The cattle are entered into the United States under United States Customs bond and remain under such bond until returned to Mexico;

(2) Before release from the port of entry, the cattle are hot-iron branded with the letter "S" on the left jaw or high on the tailhead so as to be visible from ground level in letters not less than 2 nor more than 3 inches high;

(3) The cattle are moved from the port of entry in vehicles sealed with Department seals and without diversion to an approved quarantined feedlot designated in advance by the Deputy

Administrator, Veterinary Services, and the State animal health official of the receiving state;

(4) On arrival at the approved quarantined feedlot, the Department seals are broken only by a Veterinary Services representative or State representative, the cattle are placed in pens sealed with Department seals only to be broken by a Veterinary Services representative or State representative, and the cattle are maintained in a manner to prevent contact with other animals;

(5) The cattle or any offspring thereof which die, become diseased or become disabled are disposed of by burning, burying or removal directly to a rendering plant in accordance with instructions issued by the State animal health official;

(6) The State animal health official shall make an accounting of all cattle moved to the approved quarantined feedlot and any offspring thereof in accordance with this paragraph and shall report this accounting to the Deputy Administrator, Veterinary Services, immediately following the movement of the cattle from the quarantined feedlot; and

(7) The cattle and any offspring thereof except cattle disposed of in accordance with paragraph (e)(5) of this section are moved from the approved quarantined feedlot in vehicles sealed with Department seals to be broken only by a Veterinary Services representative or State representative and without diversion to a port of export through which the cattle and any offspring thereof shall be returned to Mexico.

(Sec. 2. 32 Stat. 792, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f; 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

Done at Washington, D.C., this 17th day of December 1982.

K. R. Hook,  
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-34773 Filed 12-22-82; 8:45 am]

BILLING CODE 3410-34-M

## 9 CFR Part 92

[Docket No. 82-057]

### Ports Designated for the Importation of Animals; Deletion of a Special Port for Pet Birds

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would delete the port of Brownsville, Texas, from the list of special ports for pet birds designated in 9 CFR 92.3(f). This action is being proposed because of the few pet birds offered for importation into the United States at this port of entry and the cost incurred by USDA in transporting those few birds 80 miles to Mission, Texas, for quarantine. The intended effect of this action is to revise the list of special ports for pet birds designated in 9 CFR 92.3(f) as ports of entry for the importation of pet birds.

**DATE:** Comments must be received on or before February 22, 1983.

**ADDRESS:** Comments to Deputy Administrator, USDA, APHIS, VS, Federal Building, Room 728, 6505 Belcrest Road, Hyattsville, MD 20782.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 728, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

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

**FOR FURTHER INFORMATION CONTACT:** S. S. Richeson, Chief Staff Veterinarian, Import/Export Staff, VS, APHIS, USDA, Room 843, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291

This proposed rule has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The proposed rule, if adopted, would have an annual effect on the economy of less than \$100 million; would not cause 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.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

#### Alternatives

The following alternatives were considered in making this decision:

1. To make no change in the regulation.

This alternative would permit pet birds to be imported at Brownsville, Texas. Our records show that from January of 1980 through June of 1982, a total of 28 lots (46 birds) have been entered at this port. Such usage does not justify having border ports for pet birds at both Brownsville and Hidalgo, and Hidalgo is 55 miles closer to Mission, Texas, where such pets are quarantined.

2. To amend the regulation as proposed.

This alternative was selected because, in addition to the reasons stated above for rejecting alternative one, prospective users of the Brownsville port of entry may use the approved port of entry at Laredo and the newly added port of entry at Hidalgo, Texas. This alternative would be a better utilization of personnel and monies, thereby maximizing the net benefit to society at the lowest net cost.

#### Certification under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This proposed action would revise the list of special ports of entry for pet birds by deleting the port of Brownsville, Texas, however, such birds could still be entered at other ports including Hidalgo which is only 55 miles away from Brownsville, Texas.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962, (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations, to delete Brownsville, Texas, as a special port for entry of pet birds.

The Department, in a companion interim rule published in this issue of the *Federal Register*, has added Hidalgo, Texas, as a port of entry for pet birds. This action alleviates the added expense and manpower the Department must bear in transporting pet birds the

80 miles from Brownville to Mission, Texas, for quarantine.

Therefore, the Department is proposing to delete the port of Brownville, Texas, from the list of special ports for pet birds designated in 9 CFR 92.3(f).

#### List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Mexico, Poultry and poultry products, Quarantine, Transportation, Exotic Newcastle disease, Pet birds.

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

#### § 92.3 [Amended]

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended by removing "Brownville, Texas," from the list of special ports for pet birds in § 92.3(f).

Done at Washington, D.C., this 20th day of December 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Service.

[FR Doc. 82-34879 Filed 12-22-82; 8:45 am]

BILLING CODE 3410-34-M

#### 9 CFR Part 166

[Docket No. 82-087]

#### Swine Health Protection

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to exempt rendering facilities from the provisions of the Swine Health Protection Regulations. This Action is being proposed because the Deputy Administrator of Veterinary Services, APHIS, has determined that rendered products pose no disease threat to the swine industry. The intended effect of this proposal is to relieve the unnecessary burden on renderers of obtaining licenses to treat garbage which is to be fed to swine.

**DATE:** Comments must be received on or before January 12, 1983.

**ADDRESS:** Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

**FOR FURTHER INFORMATION CONTACT:** Dr. L. W. Schnurrenberger, Chief Staff Veterinarian, Swine Diseases, Special Diseases Staff, Veterinary Services, APHIS, USDA, Room 841, Federal

Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8438.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12291

In accordance with Executive Order 12291 and based on information compiled by the Department of Agriculture, this rule is determined to be non major. This rule will not have a significant effect on the economy and will not result in 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.

The Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication of this proposed rule with a shortened comment period. This is being done because the Department wishes to have the proposed amendments in effect before the effective date of newly promulgated regulations in Title 9, Code of Federal Regulations (CFR), Part 166. Those regulations were published in the Federal Register on November 3, 1982, (47 FR 49940-49948) and will become effective on January 1, 1983. If these proposed amendments are not in effect by January 1, 1983, when new 9 CFR Part 166 becomes effective, renderers would be required to obtain licenses under those regulations. However, as explained below, the Department does not believe that it is necessary for renderers to be licensed at all, and is, therefore, proposing these amendments to 9 CFR Part 166. Therefore, in order to meet this time restriction, it is necessary to limit the comment period to 20 days to give the Department enough time to evaluate any comments received and publish a final rule before January 1, 1983.

#### Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on any entity. This action will impact on rendering facilities only. The renderers would merely not be required to obtain licenses under 9 CFR Part 166, because their activities do not pose a risk to the swine industry in the United States, as explained below.

#### Background

On November 3, 1982, there was published in the Federal Register at 47 FR 49940-49948, new Title 9, CFR, Part 166, which, among other things, requires the licensing of garbage treatment facilities producing edible waste of animal origin for swine consumption. Rendering facilities fall into this category since they produce animal protein supplements for animal feeds from raw animal products and byproducts.

Rendering is the process of treating any fat, bone, offal, viscera or related material derived from the carcasses of livestock, poultry, fish, or parts thereof, and used cooking greases and oils into products that include animal, poultry, or fish protein meal, grease or tallow. The material treated by rendering falls under the definition of garbage in the Swine Health Protection Act (7 U.S.C. 3801 *et seq.*) and 9 CFR Part 166. As the final rendered products are used in animal feeds, some of which are consumed by swine, renderers are subject to regulations under the Swine Health Protection Act and the regulations in 9 CFR Part 166.

There are two main rendering processes: dry batch rendering and wet rendering. Dry rendering occurs where the material is agitated and cooked at 240°-250° F. for 1½ to 4 hours, driving off all moisture. Wet rendering occurs by injecting the container with live steam and cooking at 240°-310° F. for 1½ to 4 hours. The minimum final temperature of the rendered product with all rendering methods is not less than 230° F. Both of these processes meet or exceed the requirements of the regulations in Part 166. Those regulations are designed to ensure that all possible disease organisms in garbage which is to be fed to swine are killed by boiling at 212° F. for ½ hour or equivalent temperature. Rendered products reach at least 230° F., and it is not necessary to require that this temperature be maintained for any minimum time period, as merely reaching this temperature has the same effect as boiling for ½ hour; that is all possible disease organisms are killed. In addition, rendered products used in animal feeds are under the jurisdiction of the Food and Drug Administration. Therefore, in view of these facts the Deputy Administrator, Veterinary Services, has determined that rendering facilities as defined in these regulations do not pose a risk to the swine industry in the United States.

**Alternatives**

There are two alternatives that were considered:

1. Provide no exemption for rendering facilities.

2. Exempt rendering facilities.

Alternative 1 was rejected because it would require the inspection and licensing of all rendering facilities, regardless of the fact that their activities pose no disease threat to the swine industry in the United States.

Alternative 2 was selected because it was determined that rendering facilities already exceed the requirements in Part 166, and do not produce products that would transmit diseases of swine.

Therefore, the Department is proposing to amend Title 9, CFR, § 166.1, § 166.2(a), and § 166.10 to exempt renderers from the licensing requirements of Part 166, to allow the feeding to swine of rendered products from rendering facilities not licensed under the Swine Health Protection Act and the Regulations in Part 166, and to add definitions of "to render" and "rendered product."

**List of Subject in 9 CFR Part 166**

Animal diseases, Hogs, African swine fever, Foot-and-mouth disease, Garbage, Hog cholera, Swine vesicular disease, Vesicular exanthema of Swine.

Accordingly, the Animal and Plant Health Inspection Service is proposing to amend 9 CFR Part 166.

**PART 166—SWINE HEALTH PROTECTION**

Accordingly, Part 166, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. In § 166.1, definitions of the words, "render" and "rendered product" would be inserted after the definition for "Premises" and before the definition for "State." The definitions for "to render" and "rendered product" would read:

**§ 166.1 Definitions in alphabetical order.**

*Render.* To process garbage derived from slaughter, food processing, food service, and other sources through grinding and heating to a minimum temperature of not less than 230° F.

*Rendered product.* Garbage that has been rendered to make products such as, but not limited to, animal, poultry, or fish protein meal, grease or tallow.

2. In § 166.2 paragraph (a) would be revised to read:

**§ 166.2 General restrictions.**

(a) No person shall feed or permit the feeding of garbage to swine, except for

rendered products, unless it is treated to kill disease organisms, pursuant to the regulations, at a facility operated by a person holding a valid license for the treatment of garbage.

3. § 166.10 a new sentence would be added to the end of paragraph (a) to read:

**§ 166.10 Licensing**

(a) \* \* \* Producers of only rendered products are so exempted from the requirements of this paragraph in States which do not have primary enforcement responsibility.

(Sec. 511, Pub. L. 95-592, 94 Stat. 3451 (7 U.S.C. 3802); Secs. 4, 5, 9, 12, Pub. L. 95-468, 94 Stat. 2229 (7 U.S.C. 3803, 3804, 3408, 3811) 45 FR 85696, 46 FR 7266)

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

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

Done at Washington, D.C., this 29th day of December 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-34774 Filed 12-22-82; 8:45 am]

BILLING CODE 3410-34-M

**FEDERAL HOME LOAN BANK BOARD****12 CFR Part 534**

[No. 82-811]

**Pricing of Payment Instrument Services**

Dated: December 16, 1982.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Home Loan Bank Board proposes to revise its regulations on the pricing of payment instrument services by the Federal Home Loan Banks. These revisions would extend the period from five to ten years in which a Bank may recover all of its initial costs in establishing a payment instrument services program and may project cash flows for purposes of attaining a competitive rate of return in order to comply with the statutory pricing requirements.

**DATE:** Comments must be received by January 27, 1983.

**ADDRESS:** Send comments to Director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:**

Jerry Hartzog (202-377-6782), Policy Analysis Division Director, Office of Policy and Economic Research; K. Diane Boyle (202-377-6720), Program Analysis Development Division Director, Office of District Banks; or Deborah C. Jenkins (202-377-6464), Attorney, Office of General Counsel.

**SUPPLEMENTARY INFORMATION:**

The Federal Home Loan Bank Board, by Resolution No. 80-591 (Sept. 18, 1980), 45 FR 64161, adopted Part 534 of the Federal Home Loan Bank System Regulations ("Bank System Regulations"), codified at 12 CFR Part 534 (1982), to implement Section 311 of the Depository Institutions Deregulation and Monetary Control Act ("DIDMC Act"), 12 U.S.C. 1431(e)(2) (Supp. IV 1980), which authorizes the Board to promulgate regulations permitting the Federal Home Loan Banks ("Banks") to engage in the collection, processing, and settlement of instruments drawn on, or issued by, their members or eligible institutions and to provide any necessary services therefor, and to establish standards for and regulate the pricing of such services in a manner consistent with the principles set forth in section 11A(c) of the Federal Reserve Act, 12 U.S.C. 1431(e)(2)(B) (Supp. IV 1980). It is clear that Congress contemplated that the Federal Reserve Banks and the Federal Home Loan Banks would operate under the same general pricing principles and would price in a manner that would promote and increase efficiency in payment instrument services programs.

The Board adopted a comprehensive pricing regulation, 12 CFR 534.6, providing a general pricing philosophy, a methodology for computing prices, and an annual review and publication process. The Banks must charge for payment instrument services in a manner consistent with section 11A(c) of the Federal Reserve Act, 12 U.S.C. 248a(c) (Supp. IV 1980), 12 CFR 534.6(a). These pricing principles are:

(1) All services shall be priced explicitly;

(2) All services shall be available to nonmember eligible institutions, and such services shall be priced according to the same fee schedule applicable to members, except that nonmembers shall be subject to any other terms, including

a requirement of balances sufficient for clearing purposes, that the Board may determine are applicable to member institutions;

(3) Over the long run, fees shall be established on the basis of all direct and indirect costs actually incurred in providing the services, including interest on items credited prior to actual collection, overhead, and an allocation of imputed costs which takes into account the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm, except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide; and

(4) Interest on items credited prior to collection shall be charged at the current rate applicable in the market for federal funds.

The board adopted, in paragraph (b) of § 534.6 of the Bank System Regulations, 12 CFR 534.6, a pricing methodology reflecting its interpretation of these pricing principles. The Board requires that the Banks apply a cost-of-capital-adjustment factor to those assets used in providing payment instrument services when computing their prices to reflect those charged by the private sector. 12 CFR 534.6(b)(2). Under paragraph (b)(3) of § 534.6, the Banks must recapture all costs of operating a payment instrument services program within five years. Thus, the Banks, all of which established their payment instrument services programs shortly after the adoption of § 534.6 by the Board, must recover all of their start-up costs and price so as to earn at least a competitive rate of return by the end of 1985.

The current pricing methodology and guidelines, codified at 12 CFR 534.6, which are used by the Board to review prices annually, are designed to ensure that the Banks' payment instrument services are not provided at a subsidized rate and are not priced so as to provide unfair competition to private firms, which must pay taxes and earn a normal profit. Given that objective, the Board adopted a conservative pricing methodology that was more restrictive than a private firm might use for determining its operating equilibrium and for evaluating a potential investment project.

Under the Board's current pricing regulations, the Banks' prices for their payment instrument services must be sufficient to recapture all initial costs and to generate a competitive rate of return, including the cost of taxes, within a five-year period. The five-year

period for recovery of all initial costs and the yielding of competitive rate of return is not mandated by Section 311 of the DIDMC Act nor its legislative history. The five-year period is a regulatory requirement adopted by the Board after reviewing an analysis of NOW account activity in New England. The Board believed that it would take five to seven years for thrift institutions to achieve their long-run equilibrium market share and to penetrate the consumer transactions account market. Thus, it was expected that Banks would reach a normal scale of operations after five to seven years of operations. Although the Board realized at the time of its adoption that this five-year requirement is more restrictive than that which normally would be used by a new private firm for evaluating an investment, the Board believed that it was appropriate to adopt a conservative standard which could be reviewed in light of actual Bank operations, and could be changed if warranted.

The Board is now proposing to amend paragraph (b)(3) of § 534.6 of the Bank System Regulations (12 CFR 534.6(b)(3)) to extend the five-year recovery period to ten years for several reasons. First, after two years of actual experience with the Banks' processing operations, the Board believes that the pricing standard can be less conservative, that a standard more in conformance with the private sector's investment evaluation procedures can be adopted, and that a ten-year recovery period is a more appropriate standard. Second, a review of NOW account activity in the past two years and the recent expansion of transactions account authority of thrift institutions indicate that the scale of operations of Bank processing will continue to expand for the remainder of the decade. It is the opinion of the Board that the extension of the recovery period from five to ten years would enable the Banks to continue to price competitively with private suppliers of payment instrument services and to aid in maintaining a competitive market for such services.

The Board also takes this opportunity to clarify and simplify § 534.6 by removing certain redundant requirements. Accordingly, the Board is proposing to delete the first sentence of paragraph (b)(3) of § 534.6, which states that "all costs must be fully recovered within a period not exceeding five years."

The Board will continue to review Bank pricing annually. The Board believes that the annual review and approval of the Banks' fee schedules by the Office of District Banks and the Office of Policy and Economic Research

will ensure compliance with the pricing principles.

### Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980), 45 FR 63135, and those required by the Financial Regulatory Simplification Act of 1980, 12 U.S.C. 3522 (Supp. IV 1980), Pub. L. No. 96-221, 94 Stat. 191, 192, have been incorporated into the supplementary information regarding the proposal.

### Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 603 (Supp. IV 1980), Pub. L. No. 96-534, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective and legal basis underlying the proposed rule.* These elements have been incorporated above in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule would apply only to the Federal Home Loan Banks and not to any small entities.

3. *Impact of the proposed rule on small institutions.* The proposal would not have a disproportionate effect on small institutions. The proposed amendment is not designed to interfere with legitimate business opportunities of any small entities competing with the Federal Home Loan Banks in the provision of payment instrument services; thus, it is expected that the proposed rule would have no significant economic impact on a substantial number of small entities.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rule.* The Board believes that this amendment is necessary in that it would enable the Federal Home Loan Banks to effectively comply with the statutory mandate set forth in the Federal Home Loan Bank Act to price competitively.

Because prompt consideration of this proposal is in the public interest, in order to enable the Banks to reflect in the pricing of their payment instrument services the change in the recovery period for initial costs, the Board has limited the public comment period to 30 days.

**List of Subjects in 12 CFR Part 534**

Federal Home Loan Bank Board,  
Federal Home Loan Banks, Processing of  
payment instruments.

Accordingly, the Federal Home Loan  
Bank Board hereby proposes to amend  
Part 534 of Subchapter B, Chapter V of  
Title 12, Code of Federal Regulations, as  
set forth below.

**SUBCHAPTER B—FEDERAL HOME LOAN  
BANK SYSTEM****PART 534—COLLECTION,  
SETTLEMENT, AND PROCESSING OF  
PAYMENT INSTRUMENTS**

Amend § 534.6 by removing the first  
sentence of paragraph (b)(3) and  
substituting "ten" for "five" in the  
remaining sentence, to read as follows:

**§ 534.6 Pricing of services.**

(b) *Payment instrument account  
services.* \* \* \*

(3) The prices charged for collection,  
processing, and settlement services must  
yield at least a competitive rate on  
return over a period not exceeding ten  
years after offering such services.

(12 U.S.C. 1431(e); Reorg. Plan No. 3 of 1947,  
12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.  
Gregory B. Smith,  
*Acting Secretary.*

[FR Doc. 82-34907 Filed 12-22-82; 8:45 am]

BILLING CODE 3410-34-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 82-CE-34-AD]

**Airworthiness Directives; Piper Models  
PA-24-400, PA-30 and PA-39  
Airplanes**

AGENCY: Federal Aviation  
Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt  
a new Airworthiness Directive (AD)  
applicable to Piper Models PA-24-400,  
PA-30 and PA-39 airplanes. Service  
reports and incidents/accidents  
involving water contamination of the  
fuel systems indicate some owners/  
operators are not following  
recommended maintenance/operating  
practices in this area. The notice would  
require installation of an improved fuel  
selector valve strainer housing and  
make mandatory existing  
manufacturer's recommendations on

fuel system maintenance. It would also  
require installation of a placard  
prescribing, in detail, preflight fuel  
system drainage procedures. This AD  
will reduce water contamination and the  
fuel system's sensitivity to this  
contamination.

**DATES:** Comments must be received on  
or before February 23, 1983.

Compliance: As prescribed in the  
body of the AD.

**ADDRESSES:** Piper Aircraft Corporation  
Service Letter No. 589, dated August 18,  
1971, and Service Spares Letter SP-282,  
dated November 15, 1968, applicable to  
this AD may be obtained from Piper  
Aircraft Corporation, 820 East Bald  
Eagle Street, Lock Haven, Pennsylvania  
17745 or the rules docket at the address  
below.

Send comments on the proposal in  
duplicate to Federal Aviation  
Administration Central Region, Office of  
the Regional Counsel, Attention: Rules  
Docket No. 82-CE-34-AD, Room 1558,  
601 East 12th Street, Kansas City,  
Missouri 64106

**FOR FURTHER INFORMATION CONTACT:**  
Raymond J. O'Neill/P. Perrotta,  
Propulsion Section, ANE-174, FAA, New  
York Aircraft Certification Office,  
Federal Building, 181 South Franklin  
Avenue, Room 202, Valley Stream, New  
York 11581; Telephone (516) 791-7421.

**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. Communications  
should identify the regulatory docket or  
notice number and be submitted in  
duplicate to the address specified  
above. All communications received on  
or before the closing date for comments  
specified above will be considered by  
the Administrator before taking action  
on the proposed rule. The proposals  
contained in this notice may be changed  
in the light of comments received. All  
comments submitted will be available  
both before and after the closing date  
for comments in the Rules Docket for  
examination by interested persons. A  
report summarizing each FAA-public  
contact concerned with the substance of  
this proposal will be filed in the Rules  
Docket.

**Availability of NPRMs**

Any person may obtain a copy of this  
Notice of Proposed Rulemaking (NPRM)  
by submitting a request to the Federal  
Aviation Administration, Central  
Region, Office of the Regional Counsel,  
Attention: Airworthiness Rules Docket

No. 82-CE-34-AD, Room 1558, 601 East  
12th Street, Kansas City, Missouri 64106.

**Discussion**

Service and accident reports involving  
Piper Models PA-24-400, PA-30 and  
PA-39 airplanes establish that the  
present level of maintenance and  
preflight procedures given the fuel  
systems by some owners/operators is  
not assuring the continued airworthiness  
of these airplanes. The manufacturer  
has made available a conical-shaped  
stainless steel fuel selector valve  
strainer housing having much improved  
moisture and sediment drainage  
characteristics and has recommended  
installation of this part on affected  
airplanes in Piper Service Letter No. 589  
dated August 18, 1971. However, a  
relatively small percentage of the  
owners/operators of these airplanes  
have installed this improved part. The  
manufacturer has also made available in  
Service Letters, Service Manuals,  
Owners Handbook and/or Pilots  
Operating Manuals, as applicable,  
maintenance and operating procedures  
which, if observed, will control water/  
contamination in these airplanes' fuel  
systems. The manufacturer believes, and  
the FAA concurs, that observance of  
existing manufacturer's  
recommendations on the modification,  
maintenance and operation of these  
airplanes is necessary to assure their  
continued airworthiness. In some cases  
the failure of some operators to do so is  
adversely affecting, to a catastrophic  
extent, the level of safety in their  
operation.

Since the condition described is likely  
to exist or develop in other Piper Model  
PA-24-400, PA-30 and PA-39 airplanes  
of the same design, the AD would  
require incorporation of stainless steel  
conical fuel selector valve strainer  
housing, installation of placards  
prescribing preflight fuel system  
drainage procedures and initial and  
repetitive cleaning and inspection of the  
fuel selector valve strainers on these  
airplanes.

There are approximately 2300  
airplanes affected by the proposed AD.  
The cost of modifying the affected  
aircraft is estimated to be \$130 per  
airplane for total of \$280,020 to the  
private sector. No cost is assessed for  
the required operation and maintenance  
procedures as owners/operators should  
now be complying with these practices.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

## The Proposed Amendment

## PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**Piper:** Applies to Models PA-24-400 (S/Ns 26-2 through 26-148); PA-30 (S/Ns 30-2 through 30-2000); and PA-39 CS/Ns 39-1 through 39-155) airplanes certificated in any category.

**Compliance:** Required as indicated, unless already accomplished.

To prevent premature fuel depletion due to loss of fuel through an unseated fuel selector drain valve, accomplish the following:

(a) Within 50 hours time-in-service after the effective date of this AD and at intervals not exceeding 50 hours time-in-service thereafter, clean and inspect the fuel selector valve strainer filter on all airplanes listed in the applicability statement for water accumulation, contamination and corrosion of the fuel strainer filter components in accordance with the following procedures:

(1) Gain access to the fuel strainer installation by removing the floor panel in the center section of the fuselage (PA-30, PA-39) or between the two front seats (PA-24-400).

(2) Remove, drain and clean fuel strainer housing and filter discs in accordance with the following procedures:

a. Separate filter housing from selector valve assembly by removing attaching screws.

b. Remove the filter disc assembly from stem by compressing filter retainer spring and removing retainer washer.

c. In the event that contamination is found, flush fuel tanks and selector valves and clean filter assemblies using the following procedures:

(i) Plug open ends of filter disc to prevent dirt from entering.

(ii) Wash the disc with suitable cleaner or solvent. Heavy dirt, lint or dust deposits may be removed from disc with a soft bristle paint brush.

(iii) Drain or blow off cleaning fluid and remove plugs.

(iv) Inspect bowl gasket and disc filter for damage and replace if necessary.

(b) Within 100 hours time-in-service after the effective date of this AD, replace the existing fuel selector strainer filter housing on the Model PA-30 and PA-39 airplanes listed in the applicability statement with a Piper P/N 757187 conical-shaped stainless steel strainer housing in accordance with Piper Service Letter No. 589, dated August 18, 1971.

(c) Within 50 hours time-in-service after the effective date of this AD, fabricate and install a permanent placard as described below having letters with 1/8 inch minimum height on the inside of the hinged access door or adjacent location clearly visible to the pilot during his preflight check.

(1) On Model PA-24-400 airplanes, the placard must read as follows: "The fuel system shall be drained daily prior to first flight and after refueling to avoid the accumulation of water or sediment using the following procedures:

a. Move the quick drain valve handle to full aft position to open the strainer quick drain for a few seconds with the fuel cell selector on each cell including the auxiliary tanks. Allow enough fuel to flow to clear lines as well as the strainer. Positive fuel flow shut-off can be observed through the clear plastic tube.

b. Ensure that the drain valve positively closes.

c. If it is not possible to observe fuel draining through the clear plastic tube because of a loss in its transparency, replace with a new tube.

**Caution:** When draining any amount of fuel, care should be taken to ensure that no fire hazard exists before starting engine".

(2) On Models PA-30 and PA-39 airplanes, the placard must read as follows:

"The fuel system shall be drained daily prior to first flight and after refueling to avoid the accumulation of water or sediment using the following procedure:

a. Pull up on the knob located in the center of the selector valves to open the strainer quick drain for a few seconds with the fuel tank selector on the main tank, then change the tank selector to each auxiliary tank and repeat the process. Allow enough fuel to flow to clear the lines as well as the strainer. Positive fuel flow shut-off can be observed through the clear plastic tube which carries the fuel overboard.

b. Ensure that the drain valve positively closes.

c. If it is not possible to observe fuel draining through the clear plastic tube because of a loss in its transparency, replace with a new tube.

**Caution:** When draining any amount of fuel, care should be taken to ensure that no fire hazard exists before starting engine".

(d) The fabrication and installation of the placards required by paragraph (c) of this AD may be accomplished by the owner/operator of the airplane who must make an entry in the Airplane Maintenance Record indicating compliance with paragraph (c) of the AD.

(e) The intervals between repetitive inspections required by this AD may be adjusted up to 10 hours time-in-service to allow them to be accomplished concurrent with other scheduled maintenance on the airplane.

(f) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(g) An equivalent method of compliance with this AD may be used when approved by the Manager, New York Aircraft Certification Office, Federal Aviation Administration, ANE-170, 161 South Franklin Avenue, Room 202, Valley Stream, New York 11581

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); Section 8(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

**Note.**—For reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291; (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979);

and (3) in addition, I certify under the criteria of the regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the Public Docket.

Issued in Kansas City, Missouri, on December 10, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-34521 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

## CONSUMER PRODUCT SAFETY COMMISSION

## 16 CFR Part 1101

## Information Disclosure Under Section 6(b) of the Consumer Product Safety Act

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Extension of comment period.

**SUMMARY:** The Consumer Product Safety Commission extends to February 4, 1983, the time for submitting comments on the proposed policy and procedure for the public disclosure of information under section 6(b) of the Consumer Product Safety Act.

**DATES:** Comments on the Commission's proposed policy and procedure should be submitted by February 4, 1983.

**ADDRESS:** Written comments should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** Alan H. Schoem or Mana L. Jennings, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6980.

**SUPPLEMENTARY INFORMATION:** On November 5, 1982, the Commission proposed for comment interpretive regulations setting forth its policy and procedure for the public disclosure of information under section 6(b) of the Consumer Product Safety Act, 15 U.S.C. 2055(b) (see 47 FR 50283). At that time the Commission established a 60 day comment period and requested that comments be received in the Office of the Secretary of the Commission by January 4, 1983.

The Commission received three (3) requests for an extension of the comment period for one month (*i.e.*, until February 4, 1983). These requests came from the National Association of Manufacturers, the National Electrical Manufacturers Association, and the

### Association of Home Appliance Manufacturers.

The Commission has considered and granted these requests, providing until February 4, 1983, to comment on the proposed policy and procedure under section 6(b) of the Consumer Product Safety Act. The Commission granted the requests due to the importance of section 6(b) and the proposal, the complexity of the issues, and the fact that the holiday season (Thanksgiving, Christmas, and New Year's) occurred during the comment period. Accordingly, the comment period is extended from January 4, 1983, to February 4, 1983.

Dated: December 20, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 82-34905 Filed 12-22-82; 8:45 am]

BILLING CODE 6355-01-M

## TENNESSEE VALLEY AUTHORITY

### 18 CFR Part 1300

#### Administrative Cost Recovery

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Proposed rulemaking.

**SUMMARY:** This proposed rulemaking establishes a schedule of fees to be charged in connection with the disposition and uses of, and activities affecting, real property in TVA custody and control, and certain other activities in order to help ensure that such activities are self-sustaining to the full extent possible. The regulations are proposed under authority of the Tennessee Valley Authority Act of 1933, as amended, and Title V of the Independent Offices Appropriations Act of 1952 which authorize TVA to prescribe for certain work or service performed by TVA such fee, charge, or price as it determines to be fair and equitable. The proposed rulemaking will require payment to TVA of certain fees associated with the disposition and use of real property in TVA custody and control and the resolution of violations of Section 26a of the TVA Act which requires that TVA approve plans for the construction, operation, or maintenance of dams, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations in the Tennessee River system, prior to the construction, commencement of construction, operation, or maintenance of such structures. The proposed rulemaking does not apply to charges for the cost of environmental investigations which may be assessed as provided in section 5.7.2 of TVA's procedures

implementing the National Environmental Policy Act (45 FR 54,511-15).

**DATES:** Comments must be submitted on or before January 24, 1983.

**ADDRESS:** Send comments to: Tennessee Valley Authority, Office of the General Counsel, 400 West Summit Hill Drive, Knoxville, Tennessee 37902. See Supplementary Information for locations where comments may be examined.

**FOR FURTHER INFORMATION CONTACT:** John R. Paulk, Director of Land and Forest Resources, Tennessee Valley Authority, 101 Natural Resources Building, Norris, Tennessee 37828, (615) 632-6450.

**SUPPLEMENTARY INFORMATION:** TVA has determined that this rule will not be a "major" rule under Executive Order No. 12291 and will not have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

TVA has determined in accordance with section 5.2.24 of TVA's procedures implementing the National Environmental Policy Act (45 FR 54,511-15) that the proposed rulemaking is of a type that does not have a significant impact on the human environment. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

All comments will be available for public examination during regular business hours at the following locations:

TVA Technical Library, Room E2A1, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

TVA Technical Library, Room 100, 401 Building, 401 Chestnut Street, Chattanooga, Tennessee 37401.

TVA Technical Library, A100 NFDC Building, Muscle Shoals, Alabama 35660.

Natural Resources Library, Tennessee Valley Authority, Norris Tennessee 37828

#### List of Subjects in 18 CFR Part 1310

Government property.

For the reasons set out in the preamble, Part 1300 of Chapter XIII of Title 18 of the Code of Federal Regulations is proposed to be amended by adding a new Subpart 1310 reading as follows:

#### PART 1300—[AMENDED]

##### Subpart 1310—Administrative Cost Recovery

Sec.

1310.1 Purpose.

1310.2 Application.

1310.3 Assessment of administrative charge.

**Authority.** Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831-831dd); Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

#### § 1310.1 Purpose.

The purpose of the regulations in this part is to establish a schedule of fees to be charged in connection with the disposition and uses of, and activities affecting, real property in TVA's custody or control, and certain other activities in order to help ensure that such activities are self-sustaining to the full extent possible.

#### § 1310.2 Application.

(a) TVA will undertake the following actions only upon the condition that the applicant pay to TVA such administrative charge as the Director of Land and Forest Resources or Chief of the Power Management Services Staff (hereinafter "responsible land manager"), as appropriate, shall assess in accordance with § 1310.3 herein; provided, however, that no payment shall be required where the responsible land manager determines that there is a corresponding benefit to TVA:

(1) Conveyance and abandonment of TVA land or landrights, except as provided in paragraph (b)(5) of this section.

(2) Other private uses of TVA land not involving the disposition of TVA real property or interests in real property.

(3) Actions taken to suffer the presence of unauthorized fills and structures over, on, or across TVA land or landrights, and including actions not involving the abandonment or disposal of TVA land or landrights.

(4) Actions taken to approve fills or structures constructed either without prior approval of plans under Section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831y-1), and TVA's regulations issued thereunder at 18 CFR Part 1304, or not in accordance with such plans previously approved by TVA.

(b) *Exemption.* An administrative charge shall not be made for the following actions:

(1) Agricultural licenses.

(2) Firewood cutting permits and timber sale contracts.

(3) Permits for the nonexclusive short-term use of TVA land.

(4) Uses of TVA land, at no charge, for utility line crossings, not involving the disposition of TVA real property or interests in real property.

(5) Conveyance of TVA land or landrights at no charge to States and

municipalities, and political subdivisions and agencies thereof.

(6) Conveyances pursuant to section 4(k)(d) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831c(k)(d)).

(7) Releases of unneeded mineral right options.

(8) TVA phosphate land and mineral transactions.

(9) Permits and licenses for use of TVA land by distributors of TVA power.

#### § 1310.3 Assessment of administrative charge.

(a) *Range of charges.* Except as otherwise provided herein, the responsible land manager shall assess a charge which he determines in his sole judgment to be approximately equal to the administrative costs incurred by TVA for each action including both the direct cost to TVA and applicable overheads. With respect to the following categories of actions, a charge of not less than the minimum or greater than the maximum amount specified herein shall be assessed except as otherwise provided in paragraph (c) of this section.

- (1) Land transfers—\$100–\$4,400.
- (2) Use permits or licenses—\$50–\$625.
- (3) Actions taken to approve plans for fills or structures constructed either without prior approval by TVA under Section 26a of the TVA Act or not in accordance with such plans previously approved by TVA, and other actions, where appropriate, to suffer the presence of such fills or structures or to reach other agreements with respect to such fills or structures—\$100–\$2,500.
- (4) Abandonment of transmission line easements and rights of way—\$100–\$1,500.

(b) *Basis of charge.* The administrative charge assessed by the responsible land manager shall, to the extent applicable, include the following costs:

- (1) Appraisal of the land or landrights affected;
- (2) Assessing applicable rental fees;
- (3) Field inspections and investigations;
- (4) Title and record searches;
- (5) Preparation for conducting public auction and negotiated sales;
- (6) Mapping and surveying;
- (7) Preparation of conveyance instrument, permit, or other authorization or approval instrument;
- (8) Coordination of the proposed action within TVA and with other Federal, State, and local agencies;
- (9) Legal review; and
- (10) Administrative overheads associated with the transaction.

(c) *Assessment of charge when actual administrative costs significantly exceed established range.* When the responsible land manager determines that the actual administrative costs are expected to significantly exceed the range of costs established in paragraph (a) of this section, such manager shall not proceed with the TVA action until agreement is reached on payment of a charge calculated to cover TVA's actual administrative costs.

(d) *Additional charges.* In addition to the charges assessed under these regulations, TVA may charge for its services if TVA is required to make environmental investigations or otherwise incur additional expenses as provided in section 5.7.2 of TVA's procedures implementing the National Environmental Policy Act (45 FR 54511–15).

W. F. Willis,

General Manager.

December 3, 1982.

[FR Doc. 82-34860 Filed 12-22-82; 8:45 am]

BILLING CODE 8120-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 23 CFR Part 1209

[Docket No. 82-18; Notice 3]

### Incentive Grant Criteria for Alcohol Traffic Safety Programs

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of public hearing.

**SUMMARY:** The purpose of this notice is to announce that the National Highway Traffic Safety Administration will hold a public hearing on January 11, 1983, concerning the incentive grant criteria for alcohol traffic safety programs. During the week of December 27, 1982, the agency expects to publish a notice of proposed rulemaking, seeking comment on the criteria which a State must implement in order to be eligible to receive a grant to conduct effective programs to reduce the drunk driving problem. The purpose of the January hearing is to receive public comment on that proposal. Participants at the public hearing will be permitted to make written and/or oral statements or supplement previous comments.

**DATE:** The public hearing will be held January 11, 1983.

**ADDRESS:** The public hearing will be held in the Elizafeld Room (French Restaurant Level), Omni International

Hotel, 1 Omni International, Atlanta, Georgia. The hearing schedule will be from 9 a.m. to 12 p.m. and from 1:30 p.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Joe Jeffrey or Marian Tomassoni, Office of the Associate Administrator, Traffic Safety Programs, Room 5125, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1634).

**SUPPLEMENTARY INFORMATION:** In October 1982, the Congress completed an examination of the drunk driving problem and enacted legislation to provide \$125 million in new highway safety funds over the next three years to those States that adopt and implement stricter laws and more comprehensive programs against drunk driving. The legislation (Pub. L. 97-364, 23 U.S.C. 408) establishes a two tier grant system as an incentive for States to implement effective alcohol traffic safety programs. The first tier is a basic grant, which is to be awarded to States that have met Congressionally required criteria. The second tier is a supplement grant which is to be awarded to States that have met additional criteria as required by the agency.

On November 12, 1982, the agency published an advanced notice of proposed rulemaking which proposed criteria for the second tier of the grant, the procedure by which grants would be awarded, and definitions for the basic grant criteria. A public hearing was held on December 13, 1982, at which interested parties testified concerning the proposal set forth in the advance notice. The agency is now analyzing all of the testimony and comments received in the docket and will publish a notice of proposed rulemaking during the week of December 27, 1982. The purpose of this notice is to announce a public hearing concerning the criteria which will be advanced in that notice of proposed rulemaking.

Interested persons are invited to attend the public hearings and make oral statements. Anyone who wishes to make an oral statement at one of the public hearings should notify Marian Tomassoni or Joe Jeffrey at the address or telephone number listed at the beginning of this notice no later than seven days before each hearing. Oral statements should be limited to 10 minutes or less. Oral or written clarification on issues raised in the oral statements or the docket submissions may also be requested by agency representatives conducting these hearings. As time permits, the formal statements may be followed by an open discussion. Written comments to the

public docket must be received by January 14, 1983, and a final rule will be issued by February 1, 1983. Copies of all written statements and a verbatim transcript of the public hearing will be prepared and placed in NHTSA Docket 82-18 as soon as possible after the hearing. A schedule of the persons making oral presentations will be available at the Elizafeld Room on the morning of January 11, 1983.

Issued on December 17, 1982.

George Reagle,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 82-34734 Filed 12-20-82; 11:37 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 916

#### Surface Coal Mining Reclamation and Enforcement in Kansas: Review of State Program Amendments; Reopening of Public Comment Period

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** The Office of Surface Mining (OSM) is reopening the period for review and comment on certain modifications by Kansas to its permanent program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Specifically, OSM is announcing receipt of regulatory revisions submitted by Kansas and is reopening the comment period to allow the public sufficient time to consider and comment on statutory and regulatory revisions submitted by Kansas.

**DATES:** Written comments relating to Kansas' modifications to its program must be received on or before 4:00 p.m., January 24, 1983, to be considered in the Director's decision on whether to approve or disapprove the proposed amendments.

**ADDRESSES:** Written comments should be mailed or hand-delivered to: Richard Rieke, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

Copies of the Kansas program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments are available for review at the OSM office and the offices of the State regulatory

authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays: Office of Surface Mining, Missouri Field Office, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; Mined Land Office, 107 West 11th Street, Pittsburg, Kansas 66726; Kansas Corporation Commission, Legal Office, State Office Building, 4th Floor, 915 Harrison, Topeka, Kansas 66617.

#### FOR FURTHER INFORMATION CONTACT:

Richard Rieke, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527.

#### SUPPLEMENTARY INFORMATION:

The Kansas permanent regulatory program under SMCRA was approved on January 21, 1981, conditioned upon the correction of six minor deficiencies. To correct these minor deficiencies, Kansas submitted amended statutory provisions which were approved on April 14, 1982 (47 FR 16012-16014). At the same time that Kansas submitted provisions to satisfy the conditions of approval, the State also submitted other proposed statutory amendments. Notice of receipt and request for public comment on these additional amendments were published on June 1, 1982 (47 FR 23766). The comment period closed on July 1, 1982.

A public hearing scheduled for June 23, 1982, was not held because no one expressed a desire to present testimony. On June 17, 1982, OSM published a notice in the *Federal Register* cancelling the public hearing (47 FR 26165).

The June 1, 1982 *Federal Register* notice announced receipt of Kansas House Bill 2182, enacted May 14, 1981, which amended the Kansas Mined Land Conservation and Reclamation Act (MLCRA) as follows:

(1) Section 49-403 of the MLCRA was amended to include definitions of geologist and geology;

(2) Section 49-405c of the MLCRA was amended to include a provision that a penalty be placed in an interest-bearing escrow account in the event the person contests the amount of the penalty or the fact of the violation;

(3) Section 49-406 was amended to provide:

(a) For geologists to certify maps that accompany permit applications;

(b) That bonding requirements may be satisfied by depositing cash, negotiable bonds, negotiable certificates of deposit, or irrevocable letters of credit with the State treasurer;

(4) Added a provision excluding the extraction of coal incidental to highway construction from the provisions of the MLCRA;

(5) Amended Section 49-420(b) of the MLCRA to create the mined-land reclamation fund in the State treasury.

The full text of these statutory amendments is in the Administrative Record under No. KS-234.

After reviewing the statutory amendments, OSM determined that amended Section 49-420(b) of the MLCRA, because it lacked interpretive regulations, was inconsistent with Section 509 of SMCRA and 30 CFR 808.12. In a letter to Kansas dated August 16, 1982 (Administrative Record No. KS-241), OSM provided comments on the provision and suggested that Kansas promulgate interpretive regulations.

On September 10, 1982, Kansas replied to OSM's August 16, 1982 letter agreeing that interpretive regulations were necessary to implement House Bill 2182 and stated that such regulations were in the process of being developed. The letter also contained the opinion of the Assistant General Counsel on several other points raised in OSM's letter.

On November 16, 1982 (Administrative Record No. KS-243), Kansas submitted the following enacted regulations:

(1) K.A.R. 47-2-21 which eliminates members of the mined-land conservation and reclamation board from the definition of "employee", in accordance with K.S.A. 1981 Supp. 49-404;

(2) K.A.R. 47-8-10 which implements K.S.A. 1981 Supp. 49-406 to allow mine operators to bond their permits with cash, negotiable bonds, negotiable certificates of deposit, and irrevocable letters of credit, as well as surety bonds; and

(3) K.A.R. 47-8-11 which implements K.S.A. 1981 Supp. 49-420 concerning use of forfeited bond money in the mined-land reclamation fund.

Thus, OSM is reopening the public comment period until 4:00 p.m. January 24, 1983, to allow the public time to review and comment on the above cited Administrative Record material.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of SMCRA.

Dated: December 10, 1982.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 82-34906 Filed 12-2-82; 8:45 am]

BILLING CODE 4310-05-M

## National Park Service

## 36 CFR Part 7

North Cascades National Park,  
Washington; Lake Chelan National  
Recreation Area, Washington; Ross  
Lake National Recreation Area,  
Washington; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The proposed regulations set forth below are necessary to designate locations within North Cascades National Park, Lake Chelan National Recreation Area, and Ross Lake National Recreation Area where snowmobiles may be used for recreational and personal purposes during the winter season. It is the objective of this proposed regulation to provide for the preservation and enjoyment of North Cascades National Park, Lake Chelan National Recreation Area and Ross Lake National Recreation Area in a way that is consistent with both the snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior.

**EFFECTIVE DATE:** Written comments, suggestions or objections will be accepted until January 24, 1983.

**ADDRESS:** Comments should be directed to: Superintendent, North Cascades National Park, 800 State Street, Sedro Woolley, Washington 98284.

**FOR FURTHER INFORMATION CONTACT:** Keith E. Miller, Superintendent, North Cascades National Park, Telephone: 206/855-1331.

**SUPPLEMENTARY INFORMATION:****Background**

Executive Order 11644 (Use of Off-Road Vehicles on the Public Lands) issued in 1972, directed Federal land managing agencies to develop unified regulations and to designate areas of use for off-road vehicles. Such areas must meet criteria which minimize resource damage, harassment of wildlife, disruption of wildlife habitat, and, in the case of national parks, not adversely affect scenic, natural and aesthetic values.

In response to Executive Order 11644, the Secretary of the Interior issued a Departmental memorandum on May 5, 1972, to assure full compliance with the Order and to provide policies and procedures for its implementation. The National Park Service, as required by the above directive, promulgated 36 CFR 2.34 on April 1, 1974, which closed all National Park System areas to snowmobile use except those

specifically designated as open by Federal Register notice or special regulation.

Routes open to snowmobiling within the national park and recreation areas were discussed in an Environmental Assessment approved July 27, 1982. It was determined at the time that snowmobile use in the park and recreation areas did not constitute a major Federal action and no environmental impact statement would be necessary. This proposal designates the same routes that were discussed in the Environmental Assessment. These routes have been used by snowmobiles before the creation of the park and both recreation areas in October 1968.

In order to comply with the requirements of Executive Order 11644 and 36 CFR 2.34, the National Park Service developed a Servicewide policy revision which was published in the Federal Register on August 13, 1979 (44 FR 47412). This policy provides for the use of snowmobiles in units of the National Park System as a mode of transportation to provide the opportunities for visitors to see, sense, and enjoy the special qualities of a park in the winter. Snowmobiling must be consistent with a park's natural, cultural, scenic and aesthetic values; safety considerations; park management objectives; and not disturb the wildlife or damage other park resources.

The policy further provides that, where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons. Routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations. This proposed regulation is necessary to comply with Servicewide policy.

Designated routes for snowmobiles within the North Cascades National Park will be the Cascade River Road between the park boundary and the Cascade Pass Trailhead parking area and the Stehekin Valley Road between the park boundary and Cottonwood Camp.

Routes within Ross Lake National Recreation Area include State Highway 20, the Hozomeen Road, including access and circulatory roads, from the international boundary to the East Landing, Thornton Lake Road from Highway 20 to Thornton Lake Trailhead parking area, Damnation Creek Road from its junction with the Thornton Lake Road to the North Cascades National Park Boundary, Newhalem Creek Road from State Highway 20 to its junction with the down-river road on the south

side of the Skagit River, and the down-river road on the south side of the Skagit River from its junction with the Newhalem Creek Road to the end of the road across the Skagit River from the mouth of Sky Creek.

Routes within Lake Chelan National Recreation Area include all open areas, designated trails and roadways on public land below the 1320-foot contour line within the Stehekin Valley, except cross-country ski trails and within the perimeter of the Buckner Orchard, and that portion of the Stehekin Valley Road normally open to use by motor vehicles from the 1320-foot contour line to the park boundary.

**Public Participation**

It is the policy of the Department of the Interior that whenever practicable, the public will be afforded an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

**Drafting Information**

The following persons participated in the writing of this regulation: John Jensen, District Manager; Noel Poe, District Ranger; Daniel L. Allen, Resource Management Specialist; Alan D. Eliason, Management Assistant.

**Paperwork Reduction Act**

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

**Compliance With Other Laws**

The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (February 19, 1981), 46 FR 13193, and does not require a regulatory analysis under the requirements of the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601 *et seq.*). Snowmobiling is not an extensive activity in this area; the majority of use is expected from a resident winter population of about 70 people within the Stehekin Valley and up to 200 individual trips by snowmobile users from within a 100 mile radius. These rules impose no substantial costs on small entities. There may be a limited positive effect on local repair shops, filling stations, parts stores, and retail outlets for snowmobiles.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an

Environmental Assessment on this proposed regulation which is available at the address noted above.

#### List of Subjects in 36 CFR Part 7

National parks.

#### PART 7—[AMENDED]

In consideration of the foregoing, it is proposed to amend Title 36, Code of Federal Regulations, Part 7 as shown.

1. By adding a new § 7.62 to read as follows:

##### § 7.62 Lake Chelan National Recreation Area.

(a) *Snowmobiles*. After consideration of existing special situations, i.e. depth of snow, and depending on local weather conditions, the superintendent may permit the use of snowmobiles in the following designated areas within the Lake Chelan National Recreation Area:

(1) All open areas, designated trails and roadways on public land below 1320-foot contour line within the Stehekin Valley, except cross-country ski trails and within the perimeter of the Buckner Orchard.

(2) That portion of the Stehekin Valley Road normally open to use by motor vehicles from the 1320-foot contour line to the park boundary.

2. By adding a new paragraph (b) to § 7.66 to read as follows:

##### § 7.66 North Cascades National Park.

(b) *Snowmobiles*. After consideration of existing special situations, i.e. depth of snow, and depending on local weather conditions, the superintendent may permit the use of snowmobiles on the following designated routes within the National Park:

(1) The Cascade River Road between the park boundary and the Cascade Pass Trailhead parking area.

(2) The Stehekin Valley Road between the park boundary and Cottonwood Camp.

3. By adding a new § 7.69 to read as follows:

##### § 7.69 Ross Lake National Recreation Area.

(a) *Snowmobiles*. After consideration of existing special situations, i.e. depth of snow, and depending on local weather conditions, and subject to any and all restrictions or prohibitions further imposed by the State of Washington on Highway 20, the superintendent may permit the use of snowmobiles on the following designated routes within the Ross Lake National Recreation Area:

(1) State Highway 20, that portion normally closed to motor vehicles during the winter season.

(2) The Hozomeen entrance road from the U.S./Canadian border to the end of the road at East Landing.

(3) Access and circulatory roads in the Hozomeen developed area normally open to public motor vehicle use.

(4) The Thornton Lake Road from State Highway 20 to Thornton Lake Trailhead parking area.

(5) The Damnation Creek Road from its junction with the Thornton Lake Road on the North Cascades National Park boundary.

(6) The Newhalem Creek Road from State Highway 20 to its junction with the down-river road on the south side of the Skagit River.

(7) The down-river road on the south side of the Skagit River from its junction with the Newhalem Creek Road to the end of the road across the Skagit river from the mouth of Sky Creek.

(Sec. 3 of the Act of August 28, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3)

Dated: November 23, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-94813 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-70-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 123

[SW-1-FRL 2272-5]

#### Hazardous Waste Management Program; New Hampshire; Application for Interim Authorization, Phase II, Components A and B

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public hearing and public comment period.

**SUMMARY:** EPA is today announcing the availability for public review of the New Hampshire application for Phase II, Components A & B, Interim Authorization, Hazardous Waste Management Program, inviting public comment, and giving notice that EPA will hold a public hearing on the application.

**DATES:** A public hearing is scheduled for January 28, 1983 at 10:00 a.m. All written comments on the New Hampshire Interim Authorization Application must be received by the close of business on February 2, 1983.

**ADDRESSES:** EPA will hold a public hearing on New Hampshire's

Application for Interim Authorization on January 28, 1983, at 10:00 a.m. in the Health and Welfare Auditorium, Hazen Drive, Concord, New Hampshire 03301.

Written comments on the application and requests to speak at the hearing should be sent to: Susan L. Hanamoto, New Hampshire State Coordinator, State Waste Programs Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223-3468.

Copies of the New Hampshire Phase II Interim Authorization application are available during normal business hours at the following addresses for inspection and copying by the public:

Office of Waste Management, Bureau of Hazardous Waste Management, Hazen Drive, Concord, New Hampshire, 03301, Telephone (603) 271-4623.

Environmental Protection Agency, Region I Office Library, Room 2100 B, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223-5791.

EPA Headquarters Library, Room 2404, 401 M Street, SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Susan L. Hanamoto, New Hampshire State Coordinator, State Waste Programs Branch, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223-3468.

**SUPPLEMENTARY INFORMATION:** In the May 19, 1980 Federal Register (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of New Hampshire received interim authorization for Phase I on November 3, 1981.

In the January 26, 1981 Federal Register (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of interim authorization. Component A, published in the Federal

Register January 12, 1981 (46 FR 2802), contains standards for permitting storage and treatment in containers, tanks, surface impoundments and waste piles. Component B, published in the Federal Register January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123, Subpart F, as amended by 47 FR 32377.

As noted in the May 19, 1980 Federal Register, copies of complete state submittals for Phase II interim authorization are to be made available for public inspection and comment.

#### Lists of Subjects in 40 CFR Part 123

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: December 15, 1982.

Paul G. Keough,

Acting Deputy Regional Administrator,  
Region I.

[FR Doc. 82-34810 Filed 12-22-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 123

### North Dakota State Department of Health; Underground Injection Control; Primary Application

[OW-8-FRL 2273-5]

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public comment period and of public hearing.

**SUMMARY:** The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the North Dakota State Department of Health requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part the application of the North Dakota State department of Health, Division of Water Supply and Pollution Control, to regulate Classes I, III, IV, and V injection wells.

**DATES:** Requests to represent oral testimony should be filed by January 18, 1983; the public hearing will be held on Tuesday January 25, 1983, in two sessions: 10:00 a.m. and 7:00 p.m. Written comments must be received by Monday, January 31, 1983.

**ADDRESSES:** Comments and/or requests to testify should be mailed to Laura Clemmens, Drinking Water Branch (8WM-DW), Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. Copies of the application and pertinent materials are available for copying between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following locations:

Environmental Protection Agency,  
Region VIII, Drinking Water Branch,  
1860 Lincoln Street, 6th Floor, Denver,  
Colorado 80295, PH: (303) 837-2731  
North Dakota State Department of  
Health, Division of Water Supply and  
Pollution Control, Missouri Office  
Building, 1200 Missouri Avenue,  
Bismark, North Dakota 58501.

The hearing will be held in the meeting room complex at the North Dakota Heritage Center, State Capitol Complex, Bismark, North Dakota.

**FOR FURTHER INFORMATION CONTACT:** Patrick A. Crotty, Chief, Colorado/North Dakota-Wyoming Section, Drinking Water Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, CO 80295, (303) 837-2731.

**SUPPLEMENTARY INFORMATION:** This application from the North Dakota State Department of Health is for the regulation of Class I, III, IV, and V injection wells. The program will be implemented by two agencies; the State Department of Health, Division of Water Supply and Pollution Control, and the State Industrial Commission, Office of the State Geologist.

The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/l of total dissolved solids. If this application from North Dakota is approved, the State would protect underground sources of drinking water from endangerment by the following kinds of injection practices:

Class I—wells which are used to inject municipal and industrial wastes (including hazardous wastes) below the deepest USDW in the area.

Class III—wells which are used to inject for the extraction of minerals.

Class IV—wells which are used to inject hazardous wastes into or above USDWs.

Class V—all other wells.

At present, North Dakota has one known Class I well, 4 Class III wells, no identified Class IV wells, and approximately 80 Class V wells.

Class I and III wells would require a permit to operate. The permit would apply a number of technical requirements designed to assure that the injection did not result in native or injected fluids reaching USDWs. Such requirements include criteria for siting, construction, testing, operation, monitoring and abandonment.

Class IV wells would be prohibited. Class V wells will be studied to assess what further regulatory measures are required. A full control program for Class V wells will be developed approximately three years from the date of approval of the State application for primacy. In the meanwhile, existing State requirements will continue to be applied.

The Safe Drinking Water Act requires EPA to determine whether the proposed State program meets the requirements of regulations issued at 40 CFR Parts 122, 123, 124, and 146. Should this application be disapproved, the Act requires EPA to prescribe the UIC program for the State.

This application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and the memorandum of agreement between the North Dakota State Department of Health and the Region VIII office of the Environmental Protection Agency.

#### List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: December 17, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-34811 Filed 12-22-82; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Dockets No. 1-18, Notice 24; No. 70-27, Notice 25]

#### Controls and Displays

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

**ACTION:** Proposed rule: extension of period for public comment.

**SUMMARY:** This notice responds to a petition for extension of the comment period for written comments on a notice of proposed rulemaking concerning controls and displays. The notice proposed to update Standard No. 101, *Controls and Displays*, by adding or modifying several symbols to bring the standard into harmony with latest documents promulgated by the International Standards Organization. Conforming amendments were proposed for Standard No. 105, *Hydraulic Brake Systems*. The comment closing date is changed from January 3, 1983, to February 2, 1983.

**DATE:** Comments on the notice of proposed rulemaking must be received on or before February 2, 1983.

**ADDRESS:** Comments should be submitted to Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Nelson Erickson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2720).

**SUPPLEMENTARY INFORMATION:** On November 4, 1982 NHTSA published in the *Federal Register* (47 FR 49993) a notice of proposed rulemaking to amend Standard No. 101, *Controls and Displays*. That standard specifies requirements for the accessibility, identification and illumination of controls and displays in passenger cars, trucks and buses. The notice proposed to update the standard by adding or modifying several symbols to bring the standard into harmony with latest documents promulgated by the International Standards Organization. Conforming amendments were proposed for Standard No. 105, *Hydraulic Brake Systems*. The original comment closing date was January 3, 1983.

On December 13, 1982, the Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA), petitioned for an extension of the comment closing date to February 2, 1983. MVMA indicated that its technical experts have identified several research studies that may be pertinent to the proposed amendments. That organization indicated that the time needed to comprehensively examine each of those studies, including

evaluating the interaction of conclusions resulting from the various studies, impeded its ability to prepare a comprehensive response to the notice of proposed rulemaking by January 3, 1983. An added factor noted by MVMA is the motor vehicle industry holiday shutdown (December 24 to January 2). MVMA requested a delay of 30 days to permit that organization and its member auto companies adequate time for a comprehensive review of the proposal. In a telephone conversation to the agency concerning MVMA's petition, a representative of General Motors (GM) stated that company's support for the petition and indicated that the requested extra time would be helpful to GM in preparing its comments.

After evaluating the MVMA petition, the agency has determined that a reasonable extension of the comment period is justified. The more comprehensive analysis that MVMA plans to submit may help the agency in evaluating the proposed amendments. Moreover, the agency notes that the proposed effective date for mandatory use of the new symbols is not until September 1, 1985. Therefore, a 30-day extension of the comment period will not affect that date. Accordingly, MVMA's petition is granted and the comment closing date is extended to February 2, 1983.

All comments received before the close of business on the new comment closing date will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking.

#### List of Subjects in 49 CFR Part 571

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

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

Issued on December 17, 1982.

**Courtney M. Price,**

*Associate Administrator for Rulemaking.*

[FR Doc. 82-34735 Filed 12-20-82; 11:37 am]

BILLING CODE 4910-59-M

## INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1162, 1306, and 1307

[Ex Parte No. MC-165]

### Exemption of Motor Contract Carriers From Tariff Filing Requirements

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Contract Carrier Conference of the American Trucking Associations and the Federal Trade Commission (through certain of its Bureaus) each petitioned the Commission to relieve all motor contract carriers of property from tariff filing requirements. Because the Commission considers the petitioners' questions to be valid the Commission proposes, subject to comments of interested parties, to grant the relief sought. The Commission also proposes to relieve all motor contract carriers of passengers from the tariff filing requirements.

**DATES:** Comments of interested persons will be due on or before January 24, 1983. Replies will be due February 7, 1983.

**ADDRESS:** Send an original and, if possible, 15 copies of comments to: Ex Parte No. MC-165, Room 5344, Interstate Commerce Commission, Washington, D.C. 20423. Comments and replies should be served upon the Contract Carrier Conference of the American Trucking Association; the Bureau of Competition, Federal Trade Commission; United Forwarding, Inc.; Carnaco, Inc.; and the lawfirm of Rea, Cross and Auchincloss.

**FOR FURTHER INFORMATION CONTACT:** Jane Morris, (202) 275-1757, or Wendy Tillis, (202) 275-6445.

**SUPPLEMENTARY INFORMATION:** The Contract Carrier Conference of the American Trucking Associations (Conference or petitioner) requested that the Commission exempt, under 49 U.S.C. 10702(b), 10761(b) and 10762(f), all motor contract carriers of property from tariff filing requirements. The Conference is a national association representing the interests of motor contract carriers of property. A similar request for exemption has been received from United Forwarding, Inc., a freight forwarder, on behalf of all contract carriers which have been, or will be, granted authority to serve it.

The Federal Trade Commission (FTC), through several of its Bureaus,<sup>1</sup> has also petitioned this Commission to institute a rulemaking to consider eliminating the requirement that motor contract carriers of property file rate schedules.<sup>2</sup> Carnaco Transport, Inc., a motor contract carrier, supports the petition on the tariff filing issue.

A reply to the FTC's petition was filed by several rate bureaus<sup>3</sup> (replicants) arguing that the Commission has no authority to adopt the FTC proposal. They contend that an exemption from the tariff filing requirements may be granted only upon application by a contract carrier, or group of carriers, following a hearing on the application, and not in a general rulemaking instituted by the Commission. Replicants also argue that Congress intended that contract carriers should generally file tariffs and envisioned only occasional and narrow use of exemption power. Essentially, replicants assert that Congress would not have given the Commission authority to regulate contract carrier rates if it had contemplated that the Commission could render that authority useless by exempting all contract carriers from filing tariffs.

The FTC does not qualify as a contract carrier. The three statutory provisions that grant the Commission the power to exempt each state:

The Commission may begin a proceeding under this subsection on application of a contract carrier or group of contract carriers \* \* \*

Since the FTC is not a contract carrier, it does not have standing to request the proposed exemption; and, as the Commission may not institute such a proceeding on its own initiative, the FTC's petition, insofar as it relates to the tariff filing issue, will be denied.<sup>5</sup>

<sup>1</sup> Bureaus of Consumer Protection, Competition, and Economics.

<sup>2</sup> In addition, the FTC requested that the Commission consider allowing contract carriers to obtain operating permits to serve entire industries rather than named shippers. These two issues involve different questions of law and policy, and will be severed. Only the tariff filing issue will be considered here. The issue of operating permits will be separately addressed subsequently in Ex Parte No. MC-165 (Sub-1).

<sup>3</sup> Representing the members of Central & Southern Motor Freight Tariff Association, Inc., Central States Motor Carriers Association, Inc., Middle Atlantic Conference, Middlewest Motor Freight Bureau, National Motor Freight Traffic Association, Inc., New England Motor Rate Bureau, Inc., Niagara Frontier Tariff Bureau, Inc., Pacific Inland Tariff Bureau, Rocky Mountain Motor Tariff Bureau, and Southern Motor Carriers Rate Conference.

<sup>4</sup> 49 U.S.C. 10702(b), 10761(b), and 10762(f).

<sup>5</sup> The petition of United Forwarding, Inc., will also be denied for lack of standing. However, rather than rejecting these pleadings, the petitions of the FTC and United Forwarding, Inc., along with that of

However, the Contract Carrier Conference also seeks an exemption, and we conclude that the Conference qualifies as a "group of contract carriers." The Commission, therefore, may properly consider this request.

The replicants' argument that Congress did not contemplate an exemption such as the one proposed here is without merit. The existing exemption provisions were derived with no substantive change from former section 218(a)<sup>6</sup> of the Interstate Commerce Act, which stated in relevant part:

(Any such motor contract carrier or carriers) or any class or group thereof, may apply to the Commission for relief \* \* \* (Parentheses added).

Congress, therefore, apparently did envision that an entire class of carriers could be exempted. The ultimate "class or group" is, of course, all motor contract carriers. We tentatively conclude that the broad language used in the exemption provisions does allow us to consider an application to exempt all motor contract carriers from the requirement of filing tariffs.

Moreover, we reject the argument that a rulemaking format is unlawful for a broad-ranging proposal. There is nothing in the statute to indicate that an adjudicatory proceeding is required. In fact, the three statutory provisions governing exemptions do not on their face require an adjudicatory hearing as contemplated by 5 U.S.C. 554. Rather, we believe that those provisions clearly permit us to adopt a "statement of general \* \* \* applicability and future effect," 5 U.S.C. 551(4), on the basis of circumstances that are applicable to the industry as a whole.

The Regular Common Carrier Conference of the American Trucking Associations, Inc. (RCCC) filed a petition requesting that the Commission either (1) institute a rulemaking to determine the criteria to be used in granting individual petitions for tariff filing exemption or (2) broaden this proceeding to include such a determination. It asserts that the Commission has no authority to grant a blanket exemption to all contract carriers and that such relief may only be granted on a case-by-case basis. The RCCC presents nine questions which, it states, must be resolved to provide the public with guidelines as to the conditions under which the Commission will grant individual petitions for exemption.

Carnaco Transport, will be accepted as comments in this proceeding. These three parties are, of course, free to file additional comments if they so choose.

<sup>6</sup> Former 49 U.S.C. 318(a).

We conclude that any determination of criteria for exempting individual contract carriers would be irrelevant should the proposal to exempt all contract carriers ultimately be granted. Therefore, we deny the request for a rulemaking to set such criteria and will not specifically broaden this proceeding to include a discussion of this issue. However, RCCC's petition is essentially a comment opposing the proposals of the FTC and Conference and we shall accept it as such.

The Conference asserts that the Commission must grant its application if the relief sought is in the public interest and consistent with the National Transportation policy (49 U.S.C. 10101). It states that tariff filing requirements impose a real and substantial burden on all contract carriers. The Conference contends that tariff filing can be very expensive because of the extensive time required to keep carriers' tariffs current in a highly competitive, constantly changing marketplace. It also alleges that the requirement that tariffs not become effective for 30 days after filing severely hampers carriers' ability to respond promptly and effectively to competitive rates offered by other carriers, or to the changing needs of their existing contract customers.

Petitioner also argues that the tariff filing requirements no longer serve a valid regulatory purpose, since problems of unreasonable rates, predation, and discrimination do not occur to any significant degree in the contract carrier area; and, therefore, regulatory protections against these ills are not necessary or appropriate. Shippers do not need regulatory protections against unreasonably high or discriminatory rates, since there is competition among contract carriers and between contract and other carriers. A shipper who is dissatisfied with a contract carrier's pricing can simply and quickly change carriers. Finally, the Conference alleges that the concept of discrimination has no application to contract carriers, as the statute's prohibitions against discrimination apply only to common carriers (see 49 U.S.C. 10741 and 10702(b)). Different rates for different shippers is the norm in contract carriage, since contract carriers, by definition, render individualized service.

The Conference states that the only issue of rate reasonableness involved in the contract carrier area is whether rates are too low and thus unfair to competitors. However, it notes in this regard that complaints by competing carriers have been rare in recent years and are unlikely to be found valid in today's highly competitive environment.

Petitioner contends that fears of predation (the practice of setting rates below cost to drive competitors out of the market) are unfounded, since contract carriers are relatively small, as a rule, and do not have the economic resources to undertake a predatory strategy. Moreover, petitioner asserts that freer entry into the trucking industry makes it impossible for any carrier to drive all its competitors out of a market for even a short period of time. The Conference also argues that since shippers always have alternatives to contract carriage (common carriers, private carriage, et cetera), they are unlikely to find their competitive options severely limited by a predatory pricing scheme.

Petitioner alleges that fears of secret rates and unfair burdens are without merit. Even if competitors of the carrier or the shipper are thought to need full rate information, simple price lists that do not involve the 30-day delay in effectiveness for new or reduced rates would suffice. Moreover, the contract between carrier and shipper is already secret; and without access to the contract the rates filed by a contract carrier do not describe the total picture to would-be competitors. Petitioner urges, therefore, that removing the burdensome requirement of filing tariffs would not place competitors in any worse position. The Conference notes that most businesses in the United States do not file contracts or tariffs with any governmental agency, and yet competition continues unimpaired. Petitioner also argues that it is not unfair to exempt contract carriers from filing tariffs while common carriers would still have to comply with these requirements. Common and contract carriers already operate in fundamentally different regulatory environments. A common carrier who would find tariff rules a burden in competing with a contract carrier is free to apply for contract carrier authority.

Finally, petitioner argues that relief from the tariff filing requirements is consistent with the National Transportation Policy, as revised by the Motor Carrier Act of 1980 (Act). The legislative history of the Act notes with approval the growth and stability of the contract carrier industry,<sup>7</sup> and the Act made numerous changes in existing law that would further strengthen the industry. For example, contract carriers are no longer limited in the number of contracts they may enter; they may be

employed by freight forwarders; the Commission may not require them to limit their operations to carriage for a particular industry or within a particular geographic area; and the prohibition on dual operations has been removed.<sup>8</sup>

Petitioner contends that the Act clearly required the Commission to promote competition and efficiency in motor carrier operations as the most desirable means of achieving national transportation goals and objectives. These goals include: meeting the needs of shippers; allowing a variety of quality and price options to meet changing market demands; allowing the most productive use of equipment; and maintaining a sound, safe, and competitive privately-owned motor carrier system (49 U.S.C. 10101(a)(7)).

The Conference argues that an exemption from the tariff filing requirements for contract carriers will meet many of these goals by allowing contract carriers to respond more rapidly to shipper needs for new service by eliminating the 30-day waiting period; allowing a variety of price options to meet market demands; and by facilitating carriage of shipments on otherwise empty return trips to promote more efficient use of equipment.

Petitioner has raised valid questions about whether the requirement that contract carriers continue to file rate tariffs is consistent with the public interest and the transportation policy of Section 10101. While the Conference's request for relief focused primarily on contract carriers of property, it is only logical that this proceeding should include consideration of like relief for contract carriers of passengers. Many of the arguments put forward in support of exempting property carriers apply equally to contract passenger operations. Therefore, we request comments on the proposed exemption of contract carriers of property and passengers from traffic filing requirements. The exemption would apply to all contract carriers (present and future) as a class, and would be accomplished generally by repeal of 49 CFR 1307, Subpart A—*Schedules of Motor Contract Carriers of Property* and Subpart B—*Common Carrier Freight Tariffs and Classifications*, which deal with contract carrier schedules and

<sup>8</sup> Congress could also have exempted all contract carriers from the existing tariff filing requirements. But it appears to us that Congress believed such action unnecessary, in view of the statutory exemption mechanism already available. Further, the Congressional action (in Section 5, the entry Section, of the Act) awarding limited tariff relief to certain contract and common carriers does not indicate that we are precluded from awarding a broad exemption. It simply requires certain relief even if we choose not to grant the broad exemption.

loose-leaf tariffs. Changes in 49 CFR 1131.3, 1131.5, 1306.7 to 1306.9, 1306.101 and 1307.101 would also be necessary to relieve contract carriers of passengers and those operating under emergency temporary authority and temporary authority from the requirement of filing tariffs (See the appendix for the text of proposed amended subsections). We request comments on the proposed changes in the regulations, and on the likely effects of an exemption on the shipping public. A final decision in this proceeding will be issued within 60 days of the last date for receipt of reply comments.

#### Environmental and Energy Considerations

The proposed exemption should not have any significant impact upon the quality of the human environment or conservation of energy resources. However, comments on these issues are welcome.

#### Initial Regulatory Flexibility Analysis

Under 5 U.S.C. 601, *et seq.*, we are required to analyze the potential impact of the proposed rule on small entities. The rule, as explained above, would exempt all motor contract carriers from the requirement of filing tariffs, pursuant to the exemption provisions of 49 U.S.C. 10702(b), 10761(b) and 10762(f). We conclude that the proposed rule will have a significant economic impact on a substantial number of small entities. The impacts will be beneficial.

The exemption will reduce the amount of reporting and recordkeeping, in the form of tariff filings, required of contract carriers, many of which are small entities. In addition, the exemption will increase the ability of small contract carriers to compete effectively by reducing the administrative costs and time delays caused by the current regulations. Small shippers and communities will also benefit from the proposed exemption, as contract carriers will be able to supply service on short notice without the delay of filing a tariff to cover the movement and waiting 30 days for it to become effective.

We invite comment on the foregoing analysis. A copy of this notice will be forwarded to the Chief Counsel for Advocacy, Small Business Administration.

#### List of Subjects

49 CFR Parts 1162 and 1306

Buses, Freight, Motor carriers.

<sup>7</sup> See e.g., H.R. Re. No. 1069, 96th Cong., 2d Sess. 22 (1980) (one of Congress aims in the new law is to remove many of the obstacles that have kept motor contract carriers from realizing their full potential).

## 49 CFR Part 1307

Freight, Motor carriers, Moving of household goods.

## Summary

We propose to adopt the rules in Appendix A to amend Title 49 CFR Parts 1162, 1306 and 1307.

(49 U.S.C. 10321, 10702(b), 10761(b), 10762(f), 10928, and 5 U.S.C. 553)

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Sterrett was absent and did not participate.

Decided: December 3, 1982.

Agatha L. Mergenovich,  
Secretary.

## Appendix

It is proposed to amend Title 49 of the Code of Federal Regulations as follows:

**PART 1162—TEMPORARY AUTHORITY PROCEDURES UNDER 49 U.S.C. 10928**

1. Section 1162.3 *Processing of applications*. Section 1162.3(b) would be amended to remove reference to motor contract carriers and as revised would read as follows:

§ 1162.3 *Processing of application.*

(b) *Publication of rates and charges*. A carrier may not lawfully perform transportation under a grant of temporary authority unless and until compliance has been made with the rate and other requirements of section 217 of the Interstate Commerce Act in the case of common carriers.

2. Section 1162.5 *Rates, fares, charges, and special permission applications*. Section 1162.5(a)(3) would be removed and the present paragraphs (a)(4) and (a)(5) would be redesignated (a)(3) and (a)(4) respectively. Section 1162.5 would be further amended by revising the first sentence of paragraph (b)(1) to read as follows:

§ 1162.5 *Rates, fares, charges, and special permission applications.*

(b) *Emergency temporary authority—(1) Motor carriers*. Each application for

emergency temporary authority for 30 days or less, except those involving the Railway Express Agency, substitution of motor for rail service, or contract carriers, shall be accompanied by a statement of the rates, fares, charges, and other tariff or schedule provisions to be filed under Special Permission M-60160 or M-60161, §§ 1306.100 and 1307.100 of this chapter, for use in the event the authority is granted.

**PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS**

3. Section 1306.7 *Construction and filing of schedules* would be removed and reserved for future use.

§ 1306.8 [Reserved]

4. Section 1306.8 *Filing of Contracts* would be removed and reserved for future use.

5. Section 1306.9 *Construction, filing, and posting of express tariffs and schedules*. Section 1306.9(a) would be amended to remove reference to contract carriers of passengers and as revised would read as follows:

§ 1306.9 *Construction, filing and posting of express tariffs and schedules.*

(a) *Conformity*. Tariffs and schedules of common carriers of passengers containing rates and charges for the transportation of express or express classifications must conform to the requirements set forth to govern the construction, filing and posting of common carrier passenger tariffs and schedules in §§ 1306.1 to 1306.3 and §§ 1306.5 to 1306.6, subject to the modifications, exceptions, and additional requirements set forth in the following sections.

§ 1306.101 [Reserved]

6. Section 1306.101 *Motor contract carriers of property or passenger: Establishment of actual or minimum rates, fares, etc., covering emergency transportation of property or passengers, or both* would be removed and reserved for future use.

**PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS**

7. Subpart A—*Schedules of Motor Contract Carriers of Property*. The heading and text of present § 1307.0 would be revised to read as follows:

§ 1307.0 *General.*

Motor contract carriers shall not be required to publish or file schedules stating the rates or charges covering the services provided or the rules, practices, or regulations affecting those rates and charges.

§ 1307.1-1307.18 [Reserved]

8. Sections 1307.1 through 1307.18, inclusive, would be removed and reserved for future use.

§ 1307.21-1307.50 [Reserved]

9. Subpart B—*Common Carrier Freight Tariffs and Classifications*. In Subpart B, §§ 1307.21 through 1307.50, inclusive, would be removed and reserved for future use.

§ 1307.101 [Reserved]

10. Subpart C—*Special Permissions*. Section 1307.101, would be removed and reserved for future use.

[FR Doc. 82-34653 Filed 12-22-82; 8:45 am]

BILLING CODE 7035-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 611 and 675**

[Docket No. 21105-224]

**Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area**

*Correction*

In FR Doc. 82-33104 beginning on page 54841 in the issue of Monday, December 6, 1982, make the following corrections:

1. On page 54843, third column, ninth line, "178°30' longitude" should read "178°30' W. longitude."

2. Also on page 54843, in Table 1, in the entry for Atka mackerel, in the sixth column headed "Initial TALFF", "9,450" should read "9,060". Also in Table 1, in the footnote, delete "Equal".

BILLING CODE 1505-01-M

# Notices

Federal Register

Vol. 47, No. 247

Thursday, December 23, 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.

## CIVIL AERONAUTICS BOARD

[Order 82-12-65]

### Application of Ellis Air Taxi, Inc. for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (82-12-65).

**SUMMARY:** The Board is proposing to find Ellis Air Taxi, Inc. fit, willing, and able to authorize it to provide interstate and overseas transportation of persons, property, and mail between all points in the United States, its territories and possessions.

**DATES:** Objections: All interested persons having objections to the Board issuing the proposed certificate shall file, and serve upon all persons listed below no later than January 7, 1983 a statement of objections, together with a summary of testimony, statistical data, and material expected to be relied upon to support the objections.

**ADDRESSES:** Objections to the issuance of final order should be filed in Docket 40993 and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20448.

In addition, copies of such filings should be served upon Ellis Air Taxi, Inc., the mayors and airport managers of each city to which the pleading refers; The Alaska Transportation Commission; and the Federal Aviation Commission.

**FOR FURTHER INFORMATION CONTACT:** Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5088.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 82-12-65 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-12-65 to that address.

By the Civil Aeronautics Board: December 16, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-34838 Filed 12-22-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-12-73]

### Fitness Determination of North American Helicopter Services, Inc. d.b.a. Grand Canyon Helicopters

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 82-12-73, order to show cause.

**SUMMARY:** The Board is proposing to find that North American Helicopter Services, Inc., d.b.a. Grand Canyon Helicopters is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service will conform to applicable safety standards. The complete text of this order is available, as noted below.

**DATES:** Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 6, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

**ADDRESSES:** Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to Order 82-12-73.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5088.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 82-12-73 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-12-73 to that address.

By the Civil Aeronautics Board: December 16, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-34835 Filed 12-22-82; 8:45 am]

BILLING CODE 6320-01-M

### Order Concerning Mail Rates

Order 82-12-66, December 16, 1982, Dockets 41105 and 41108, establishes temporary service mail rates for Northern Air Cargo, Inc. and Arctic Circle Air Service, Inc. at the same level as fixed by Order 82-11-108 for other intra-Alaska carriers and proposes final rates at the same level as determined in Docket 38961 for carriers providing substantially the same services.

For Further Information Contact: James E. Gardner, Bureau of International Aviation, (202) 673-5391.

Copies of the order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

By the Civil Aeronautics Board: December 16, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-34837 Filed 12-22-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-12-74; Docket 41149]

### Order To Show Cause Proposing a Method To Implement a Special Subsidy Program Established by Congress in the Continuing Resolution Adopted October 1, 1982

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 82-12-74, Docket 41149.

**SUMMARY:** The Board has adopted an order proposing a method for implementing a Congressional directive to continue subsidy payments during fiscal 1983 to certain air carriers under section 406 rate provisions in effect as of July 1, 1982. (Congress ended the Board's authority to pay subsidy under section 406 of the Federal Aviation Act for services provided after September 30, 1982). The payments are to continue only for service to points in the lower 48 states which were receiving service subsidized under section 406 as of

September 30, 1982 and total payments in fiscal 1983 are limited to \$13.5 million, about half of the amounts payable if 406 rates were paid in full. To meet this lower level, Congress specified that each eligible carrier's subsidy payments be reduced by the same percentage.

In order to stay within the \$13.5 million ceiling the Board's order proposes to pay 56.45 percent of the 406 rate level monthly, with a final payment adjustment at the end of fiscal 1983 to correct for any underpayments. The new program applies to three carriers, Frontier Airlines, Piedmont Aviation and Republic Airlines, for services to 28 points.

**DATES:** Parties must file notices of objection within 10 days of the date of service and answers within 30 days.

**FOR FURTHER INFORMATION CONTACT:** John R. Hokanson or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5368.

The complete text of Order 82-12-74 is available from our Distribution Section. Persons outside the metropolitan area may send a postcard request for the order to the Distribution Section, B-22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 16, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-34836 Filed 12-22-82; 8:45 am]  
BILLING CODE 6320-01-M

**[Order 82-12-71; Docket 41029]**

**Order To Show Cause Proposing a Method for Continuing Previously Established Temporary Section 406 Subsidy Rates for Wien Air Alaska.**

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Summary of Order 82-12-71, Docket 41029.

**SUMMARY:** The Board has adopted an order proposing a temporary section 419 subsidy rate for service by Wien Air Alaska to five Alaskan points: Aniak, Barrow Galena, St. Mary's and Unalakleet. The proposed rate is an allocation of Wien's previous section 406 rates to these five points. Wien has filed notice to suspended service at these (and other) points because the section 406 subsidy program was ended by Congressional action. However, the Board has prohibited Wien from suspending service for a 30-day period. Additional 30-day hold-in orders may be issued until replacement service can be inaugurated and maintained. The

temporary subsidy rate to be paid for service during this hold-in period is proposed in this order.

**DATE:** Wien Air Alaska must file notice of objection within 10 days of the date of service and answer within 30 days.

**FOR FURTHER INFORMATION CONTACT:** John R. Hokanson or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5368.

The complete text of Order 82-12-71 is available from our Distribution Section. Persons outside the metropolitan area may send a postcard request for the order to the Distribution Section, B-22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 16, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-34833 Filed 12-22-82; 8:45 am]  
BILLING CODE 6320-01-M

**[Docket 40991]**

**United Air Lines, Inc., vs. Pacific East Air, Inc., Enforcement Proceeding; Notice of Assignment of Proceeding**

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., December 17, 1982.

Elias C. Rodriguez,  
Chief Administrative Law Judge.

[FR Doc. 82-34834 Filed 12-22-82; 8:45 am]  
BILLING CODE 6320-01-M

**DEPARTMENT OF COMMERCE**

**Bureau of the Census**

**Service Annual Survey; Determination**

In accordance with title 13, United States Code, sections 182, 224, and 225, and due Notice of Consideration having been published November 16, 1982 (47 FR 51604), I have determined that data covering 1981 and 1982 operating receipts of selected service industries are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and that these data are also applicable to a variety of public and business informational needs. The Service Annual Survey replaces the Monthly Selected Services Survey which was terminated in December 1981. This will be the first time that annual receipts data will be collected for service establishments as part of the current

business programs. This survey will provide data on annual operating receipts for 1981 and 1982 for selected service industries. These data are not publicly available from nongovernmental or other governmental sources on a continuing basis.

Reports will be required from a selected sample of service firms operating in the United States, with probability of selection based on receipts size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Copies of the forms are available upon written request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated: December 20, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82-34862 Filed 12-22-82; 8:45 am]  
BILLING CODE 3510-07-M

**International Trade Administration**

**Preliminary Determination of Sales At Not Less Than Fair Value; Industrial Nitrocellulose From France**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Preliminary Determination of Sales at Not Less Than Fair Value; Industrial Nitrocellulose from France.

**SUMMARY:** We have preliminarily determined that industrial nitrocellulose from France is not being sold, or is not likely to be sold, in the United States at less than fair value. We have notified the United States International Trade Commission (ITC) of our determination. We found a weighted-average margin of 0.43137% for exports of industrial nitrocellulose. This margin is *de minimis*.

If this investigation proceeds normally, we will make a final determination by March 8, 1983.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Stuart Keitz or Betty H. Laxague, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Telephone (202) 377-1769/3601.

**SUPPLEMENTARY INFORMATION:****Preliminary Determination**

We have preliminary determined that there is no reasonable basis to believe or suspect that industrial nitrocellulose from France is being sold, or is likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The only producer of the subject merchandise in France, Societe Nationale des Poudres et Explosifs (SNPE), had dumping margins on a small percentage of their sales. However, the weighted-average margin for the product is 0.43137% which is *de minimis*.

If this investigation proceeds normally, we will make a final determination by March 8, 1983.

**Case History**

On July 2, 1982, we received a petition filed by counsel on behalf of Hercules Incorporated of Wilmington, Delaware, purported to be the only U.S. manufacturer of industrial nitrocellulose. The petitioner alleged that imports from France of industrial nitrocellulose are being sold, or are likely to be sold, in the United States at less than fair value, and that such sales are materially injuring, or threatening to materially injure, a United States industry. The petitioner also alleged sales in the home market at prices below the cost of production exist in this case. After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated such investigation on July 28, 1982 (47 FR 32557). The ITC subsequently found, on August 16, 1982, that there is a reasonable indication that imports of industrial nitrocellulose are materially injuring, or are threatening to materially injure, a United States industry. We determined this case to be "extraordinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination by 14 days until December 23, 1982 (47 FR 53441).

**Scope of Investigation**

The product covered by this investigation is industrial nitrocellulose containing between 10.8% and 12.2% nitrogen. It should not be confused with explosive grade nitrocellulose which contains over 12.2% nitrogen. Industrial nitrocellulose is a dry, white, amorphous synthetic chemical produced by the action of nitric acid on cellulose. The product comes in several viscosities and is used to form films in lacquers, coatings, furniture finishes and printing

inks. It is currently classified as cellulosic plastic materials, other than cellulose acetate, under item number 445.2500 of the *Tariff Schedules of the United States Annotated*.

Approximately three percent of total sales (value and quantity) to the U.S. were of butyl nitrocellulose. Since this was such a small quantity and since the cost for producing this product is different from the remaining 97 percent of sales, we disregarded these sales for purposes of the fair value investigation.

This investigation covers the period from January 1 to June 30, 1982.

**Fair Value Comparisons**

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

**United States Price**

As provided in section 772 of the Act, we used purchase price of the subject merchandise to represent the United States price since the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price based on the c.i.f., delivered, packed price to an unrelated purchaser in the United States. Deductions were made for ocean freight, insurance, foreign inland freight, U.S. inland freight, and, where appropriate, commissions.

**Foreign Market Value**

In accordance with section 773 of the Act, we used home market prices since there were sufficient sales of such or similar merchandise in the home market at or above cost.

The petitioner alleged that sales in the home market were made at prices below the cost of producing industrial nitrocellulose. We examined production costs including materials, labor, and general expenses. We found some sale during the period to have been made at less than cost. However, as there were sufficient sales made in the home market at prices at or above the cost of production, we used home market prices to determine the foreign market value.

The home market prices were based on the f.o.b. or delivered, packed price to unrelated purchasers. We made deductions, where appropriate, for inland freight and rebates. Adjustments were made, where appropriate, for indirect selling expenses, warranty expense, credit expense, differences in the cost of merchandise, and the cost of packing. Adjustments for differences in merchandise were based of differences in the cost of materials, labor, and

directly-related factory overhead.

Adjustments were claimed for institutional advertising expenses, quality control costs, and for technical services. We did not allow these adjustments since they were not directly related to the sales.

**Verification**

For purposes of this preliminary determination, we verified cost of production data, sales data, and information relative to adjustments claimed by SNPE, by using standard verification procedures, including on-site inspection of the exporter's operations and examination of accounting records and selected documents containing relevant information. In accordance with 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

**ITC Notification**

In accordance with section 733(f) of the Act, we will notify the ITC of our determination.

**Public Comment**

In accordance with § 353.47 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 10:00 a.m. on January 26, 1983, at the United States Department of Commerce, Room 4830, 14th Street and Constitution Avenue NW., Washington, DC 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 ten days of publication of this notice. 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 in at least ten copies must be submitted to the Deputy Assistant Secretary by January 19, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within thirty days of publication of this notice, at the above address and in at least ten copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 17, 1982.

[FR Doc. 82-34861 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

### Stainless Steel Round Wire; Announcement of Corrections in First Quarter 1983 Trigger Prices

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** This document corrects a document that was published November 26, 1982 titled, "Announcement of the First Quarter 1983 Trigger Price Levels for Stainless Steel Round Wire Products."

**SUMMARY:** The following errata are applicable to the First Quarter 1983 trigger prices which were published in the Federal Register on November 26, 1982, 47 FR 53432.

Page	Description	1st quarter price	
		Incor- rect	Correct
53433	Group I 300 and 17-7 PH .375" to .499"	\$396	\$394
53434	Group I 17-4 PH, 15-5PH .00575"	3,939	4,939

Gary N. Horlick,  
Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34802 Filed 12-22-82; 9:45 am]  
BILLING CODE 3510-25-M

### Preliminary Negative Countervailing Duty Determination; Fireplace Mesh Panels From Taiwan

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Preliminary Negative Countervailing Duty Determination.

**SUMMARY:** We preliminarily determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters, in Taiwan of fireplace mesh panels, as described in the "Scope of Investigation" section of this notice. Two programs were alleged to provide subsidies; a preferential income tax program and a preferential labor program. We preliminarily determine that the income tax program provides a benefit that constitutes a subsidy in this case. However, the value of this benefit is 0.012 percent, which is *de minimis*. We also preliminarily determine that manufacturers, producers, or exporters of fireplace mesh panels did not use the labor program during the period for which subsidization is being measured or since that time. Therefore, our preliminary determination is negative.

In accordance with section 703(f) of the Act, we will notify the U.S. International Trade Commission (ITC)

of our determination. If this investigation proceeds normally, we will make our final determination by March 5, 1983.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Paul Nichols, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-5497.

#### SUPPLEMENTARY INFORMATION:

##### Preliminary Determination

Based upon our investigation, we preliminarily determine that there is no reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels, as described in the "Scope of Investigation" section of this notice. We preliminarily determine that a preferential income tax program provides a benefit that constitutes a subsidy under the Act. However, the value of this benefit is 0.012 percent, which is *de minimis*. We also preliminarily determine that manufacturers, producers, or exporters of fireplace mesh panels did not use a preferential labor program during the period for which subsidization is being measured or since that time. Therefore, our preliminary determination is negative.

##### Case History

On July 22, 1982, we received a petition from counsel for Justesen Industries, Inc., Pacific Fireplace Furnishings, Inc., and Fall River Fireplace Co., Inc., on behalf of the U.S. industry producing fireplace mesh panels. The petition alleged that manufacturers, producers, or exporters in Taiwan of fireplace mesh panels receive benefits which constitute subsidies within the meaning of the countervailing duty law. We found the petition sufficient, and on August 18, 1982, we initiated a countervailing duty investigation (47 FR 36005). We stated that we would make our preliminary determination by October 15, 1982. However, pursuant to section 703(c)(1)(A) of the Act, we extended the period for the preliminary determination to no later than December 20, 1982.

Since Taiwan is a "country under the Agreement" within the meaning of section 701(b) the Act, Title VII of the Act applies to this investigation, and an injury determination is required. Therefore, we notified the ITC of our

initiation. On September 15, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 40726).

We presented a questionnaire concerning the allegations in the petition to the Taiwanese, in Taipei, on September 14, 1982. On October 22, 1982, we received the response to that questionnaire.

##### Scope of Investigation

For the purposes of this investigation, fireplace mesh panels are defined as precut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and zero-clearance fireplaces. Fireplace mesh panels are currently provided for either in item 642.89 or item 654.00 of the *Tariff Schedules of the United States* depending on their stage of processing.

Fuan Da Industrial Co., Ltd. (Fuan Da) and Yue Sheng Wire Mesh & Screen Co. Ltd. (Yue Sheng) are the only known producers in Taiwan of the fireplace mesh panels exported to the United States.

##### Analysis of Programs

The period for which subsidization is being measured is January 1, 1982 to June 30, 1982. In its response to our questionnaire, the government of Taiwan provided data for the applicable period. Additionally, we received information from Fuan Da and Yue Sheng for the period January 1, 1981 to June 30, 1982.

Based upon our analysis to date of the response and petition, we preliminarily determine the following.

##### I. Programs Preliminarily Determined To Confer Subsidies to Manufacturers, Producers, or Exporters of Fireplace Mesh Panels

We preliminarily determine that a subsidy is being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels under the program listed below:

**Preferential Income Tax Rates:** Article 10 of the Statute for Encouragement of Investment (SEI) was amended in 1980 and renumbered Article 15. The regulations issued to implement this article were also amended at that time. Under Article 15, certain productive enterprises which are organized as "companies limited by shares" in accordance with the Company Law are eligible for reduced

income tax rates. A company limited by shares must have a minimum of seven shareholders and be registered as a share issuing corporation. Yue Sheng was not eligible for benefits under this program as it is not organized as a company limited by shares and its tax rate is the normal 35 percent. Fuan Da does qualify for Article 15 benefits and its tax rate is 25 percent.

Under the amended law and regulations, the limitation, restricting benefits to corporations existing or expanding before a certain date has been removed, and the categories of industries eligible for encouragement have been broadened by removing some restrictive criteria. However, the remaining general eligibility criteria in the regulations still appear to limit the availability of the benefits and appear to target certain categories of industries for encouragement. Based on this limited availability of the program, we preliminarily determine that Article 15 of the SEI does provide a benefit that constitutes a subsidy under the Act.

As Article 15 is a broad incentive program for increased investment in eligible industries and, for this product, does not appear to be intended as an export subsidy, we determine this program to be a domestic subsidy and thus have allocated the tax savings over total sales revenue. For programs involving income tax benefits, the Department generally determines the value of the benefit when it is known and accounted for.

In Fuan Da's case, the measure of the benefit is the difference in the tax due under the two rates for 1981, which is known and accounted for in 1982. This figure is then divided by total sales for 1981. This results in a benefit of 0.012 percent *ad valorem*. This rate is *de minimis*.

#### *II. Programs Preliminarily Determined Not To Be Used By Manufacturers, Producers, or Exporters of Fireplace Mesh Panels*

We preliminarily determine that manufacturers, producers, or exporters in Taiwan of fireplace mesh panels did not use the vocational training centers during the period for which subsidization is being measured or since that time.

#### *Verification*

In accordance with section 776(a) of the Act, we have verified all the information relied upon for our determination.

#### *ITC Notification*

In accordance with section 703(f) of the Act, we will notify the ITC of our

determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

#### **Public Comment**

In accordance with § 355.35 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10 a.m., January 17, 1983, at the U.S. Department of Commerce, Room 3080, 14th Street and Constitution Avenue, NW., 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 in at least 10 copies must be submitted to the Deputy Assistant Secretary by January 10, 1982. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.43, on or before January 24, 1983, at the above address and in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary, for Import Administration.

[FR Doc. 82-34732 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### **Export Trading Company Contact Facilitation Service and Fee Schedule**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce announces a computerized clearinghouse called the ETC Contact Facilitation Service to match export trading companies (ETC) with U.S. firms looking for export services.

**ADDRESSES:** Registrations and search requests should be directed to your nearest ITA District Office listed at the end of this notice.

**FOR FURTHER INFORMATION CONTACT:** Donald Huber, (202) 377-4533.

**SUPPLEMENTARY INFORMATION:** As a part of the Department's active role in supporting and promoting U.S. exports, under Pub. L. 97-290 the International Trade Administration (ITA) has established a Contact Facilitation Service for U.S. suppliers and export trading companies. This service will help U.S. producers identify and contact newly formed ETCs. Similarly, ETCs may want to utilize this program in order to identify possible clients for their services.

#### **How Contact Facilitation Works**

Provided the firm or individual is sincerely concerned with establishing an ETC/producer relationship, Department of Commerce personnel at local ITA District Offices will fill out a form to "register" export trading companies, other types of firms which provide export services (such as banks or export management companies), and U.S. firms interested in contacting or being contacted by a provider of these services. Registration, which requires a nominal fee, simply entails giving the District Office representative brief information about your company, who to contact, and what products you wish to export or represent. Information for registration forms will be entered into a computer data base in Washington.

For an additional service fee, each party can also request a search for the names, addresses, a product description, and company contact for firms which match their product interest. The ETC Contact Facilitation Service will search on the basis of type of service provided or sought, geographic area, areas of foreign market interest and Standard Industrial Classification (SIC) codes for each product. Searches will be made only for those firms which have already registered in the ETC Contact Facilitation Service data base. When the information has been in the data base for more than one year, registrants will be contacted to ascertain status and continued interest. They will be retained in the data base if appropriate or purged when no longer interested in participating in the program.

#### **What Registration Will Cost and How Long It Will Take**

The Department is charging a \$25 registration fee. For \$25 your firm or service organization will be placed in the contact facilitation file and will be available as a contact for anyone requesting a search. A search will cost an additional \$25 plus \$5 for each name provided. Payment must be sent with

registration and search requests. A bill for the number of contacts provided will be sent with the order. You may limit the number of names you wish to receive. A search provides a one-time match of whatever is in the computer at the time of the request.

During January and February of 1983, the Department will be conducting a series of nationwide conferences in 27 cities which will explain the new ETC legislation, how to form an ETC, related Commerce activities, and the Contact Facilitation Service. Until a large number of firms become aware of the ETC program, it is likely that registrations will be slow during the initial weeks of operation, serving to limit the number of contacts that can be identified through a retrieval. For this reason, USDOC will hold initial retrieval requests until at least a few "hits" in most of the more general SIC codes can be expected.

Once approximately 200 registrants have joined the program, local District Officers will be provided an inventory by geographic distribution of what products have been entered into the contact facilitation file for export trading companies, service firms, and U.S. producers. They can then advise you when it is appropriate to request a list of ETCs/firms in your area of interest.

#### Where To Register

To register or obtain more information on the ETC Contact Facilitation Service, get in touch with your local ITA District Office. Locations and telephone numbers for each office are listed at the end of this notice. District Offices will also help you identify the correct Standard Industrial Classification (SIC) codes for your products.

Because we are unable to verify the qualifications and continued interest of any of the companies participating in this program, we accept no responsibility for the quality or substance of the contact lists provided in response to a retrieval request.

Stephen B. Strauss,

*Deputy Assistant Secretary for Trade Information and Analysis.*

#### International Trade Administration District Offices

Albuquerque, 87102, 505 Marquett Ave. N.W., Rm. 1015. (505) 766-2386.  
Anchorage, 99513, P.O. Box 32, 701 C St. (907) 271-5041.  
Atlanta, 30309, Suite 600, 1365 Peachtree St., NE. (404) 881-7000.  
Baltimore, 21202, 415 U.S. Customhouse, Gay and Lombard Sts. (301) 962-3560.  
Birmingham, 32505, Suite 200-201, 908 S. 20th St. (205) 254-1331.  
Boston, 01116, 10th Floor, 441 Stuart St. (617) 223-2312.

Buffalo, 14202, 1312 Federal Bldg., 111 W. Huron St. (716) 846-4191.  
Charleston, W. Va., 25301, 3000 New Federal Office Bldg., 500 Quarrier St. (304) 343-6181, Ext. 375.  
Cheyenne, 82001, 8007 O'Mahoney Federal Center, 2120 Capitol Ave. (307) 772-2151, Ext. 2151.  
Chicago, 60603, Room 1406, Mid-Continental Plaza Bldg., 55 E. Monroe St. (312) 353-4450.  
Cincinnati, 45202, 10504 Fed. Bldg., 550 Main St., (513) 684-2944.  
Cleveland, 44114, Room 600, 666 Euclid Ave. (216) 522-4750.  
Columbia, S.C., 29201, Strom Thurmond Fed. Bldg., 1835 Assembly St. (803) 765-5345.  
Dallas, 75242, Room 7A5, 1100 Commerce St. (214) 767-0542.  
Denver, 80202, Room 119 U.S. Customhouse, 721 19th St. (303) 837-3246.  
Des Moines, 50309, 817 Federal Bldg., 210 Walnut St. (515) 284-4222.  
Detroit, 48226, 445 Federal Bldg., 231 W. Lafayette. (313) 228-3650.  
Greensboro, N.C., 27402, 203 Federal Bldg., W. Market St., P.O. Box 1950. (919) 378-5345.  
Hartford, 06103, Room 610-B, Fed. Bldg., 450 Main St. (203) 244-3530.  
Honolulu, 96850, 4106 Federal Bldg., 300 Ala Moana Blvd., P.O. Box 50026. (808) 546-8694.  
Houston, 77002, 2625 Federal Bldg., 515 Rusk St. (713) 226-4231.  
Indianapolis, 46204, 357 U.S. Courthouse & Federal Office Bldg., 46 E. Ohio St. (317) 269-6214.  
Jackson, Miss., 39213, Suite 3230, 300 Woodrow Wilson Blvd. (601) 960-4388.  
Little Rock, 72201, Rm. 635, 320 W. Capitol Ave. (501) 378-5794.  
Los Angeles, 90049, Rm. 800, 11777 San Vincente Blvd. (213) 824-7591.  
Louisville, 40202, Rm. 636B, U.S. Post Office and Courthouse Bldg. (502) 582-5066.  
Memphis, 38103, Room 710, 147 Jefferson Ave. (901) 521-3213.  
Miami, 33130, Rm. 821, City National Bank Bldg., 25 W. Flagler St. (305) 350-5267.  
Milwaukee, 53202, 605 Federal Office Bldg., 517 E. Wisconsin Ave. (414) 291-3473.  
Minneapolis, 55401, 218 Federal Bldg., 110 S. 4th St. (612) 725-2133.  
New Orleans, 70130, Room 432 International Trade Mart, 2 Canal St. (504) 589-6546.  
New York, 10278, 37th Floor, Federal Office Bldg., 26 Federal Plaza, Foley Sq. (212) 264-0634.  
Omaha, 68102, Empire State Bldg., 1st Floor, 300 S. 19th St. (402) 221-3664.  
Philadelphia, 19106, 9448 Federal Bldg., 600 Arch St. (215) 597-2866.  
Phoenix, 85073, 2950 Valley Bank Center, 201 N. Central Ave. (602) 261-3285.  
Pittsburgh, 15222, 2002 Fed. Bldg., 1000 Liberty Ave. (412) 644-2850.  
Portland, Ore., 97204, Room 618, 1220 S.W. 3rd Ave. (503) 221-3001.  
Reno, Nev., 89502, 1755 East Plum Lane, Rm. 152. (702) 784-5203.  
Richmond, 23240, 8010 Federal Bldg., 400 N. 8th St. (804) 771-2246.  
St. Louis, 63105, 120 S. Central Ave. (314) 425-3302.

Salt Lake City, 84101, Rm. 340, U.S. Post Office and Courthouse Bldg., 350 S. Main St. (801) 524-5116.  
San Francisco, 94102, Federal Bldg., Box 36013, 450 Golden Gate Ave. (415) 556-5860.  
San Juan, P.R., 00918, Room 659 Federal Bldg., Chardon Ave. (809) 753-4555, Ext. 555.  
Savannah, 31412, 222 U.S. Courthouse, P.O. Box 9746, 125-29 Bull St. (921) 944-4204.  
Seattle, 98109, 706 Lake Union Bldg., 1700 Westlake Ave. North. (206) 442-5616.  
Trenton, 08608, 240 West State St., 8th Fl. (609) 989-2100.

[FR Doc. 82-34728 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### Auburn University, Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00300. Applicant: Auburn University, Auburn, Alabama 36849. Instrument: High Resolution X-ray Photoelectron Spectrometer (XPS) System. Manufacturer: Leybold-Heraeus GmbH & Company, West Germany. Intended use of instrument: See Notice on page 36686 in the Federal Register of August 23, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 82-00043 which was denied without prejudice to resubmission on June 3, 1982 for informational deficiencies. The foreign instrument performs X-ray photoelectron spectrometry, ultraviolet photoelectron spectrometry, auger electron spectrometry and ion scattering spectroscopy while maintaining an ultra high-vacuum of less than  $5 \times 10^{-10}$  millibars. The National Bureau of Standards advises in its memorandum dated November 2, 1982 that (1) the capabilities of the foreign instrument

described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34795 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### Massachusetts Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00273. Applicant: Massachusetts Institute of Technology, 170 Albany Street, Cambridge, MA 02139. Instrument: Automated Scanning Fabry-Perot Interferometer. Manufacturer: National Physical Laboratory, United Kingdom. Intended Use of Instrument: See Notice on page 36685 in the Federal Register of August 23, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can measure electron temperature profiles at fields equal to or greater than 10 Tesla. The National Bureau of Standards advises in its memorandum dated October 28, 1982 that (1) the capability of the foreign instrument described

above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34798 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### Oregon State University, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00283. Applicant: Oregon State University, School of Oceanography, Corvallis, Oregon. 97331. Instrument: Submersible Acoustic Transponder. Manufacturer: Institute of Oceanographic Science, United Kingdom. Intended use of instrument: See notice on page 39546 in the Federal register of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (April 1, 1982).

Reasons: The foreign instrument can open and close the sampling net as well as measure the total water volume sampled. The National Oceanic and Atmospheric Administration advises in its memorandum dated November 1, 1982 that (1) the capabilities of the foreign instrument described above are

pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director Statutory Import Programs Staff.

[FR Doc. 82-34796 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### University of Illinois; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00276. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, 506 S. Wright Street, Urbana, Illinois 61801. Instrument: Primary Beam Mass Filter Accessory for an Ion Microanalyzer. Manufacturer: Thomson-CSF/Cameca Instruments, France. Intended use of instrument: See Notice on page 36685 in the Federal Register of August 23, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application relates to a compatible accessory for an instrument that has been previously imported for the use of the applicant institution. The

instrument is being manufactured by the manufacturer which produced the instrument with which it is intended to be used. We are advised by the National Bureau of Standards in its memorandum dated October 25, 1982 that the accessory is pertinent to the applicant's intended uses and that it knows of no comparable domestic instrument.

The Department of Commerce knows of no similar accessory being manufactured in the United States which is interchangeable with or can be readily adapted to the instrument with which the foreign instrument is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34799 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### University of Minnesota; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00285. Applicant: University of Minnesota, Department of Chemical Engineering and Material Science, 421 Washington Avenue, S.E., Minneapolis, Minnesota 55455.

Instrument: Dynamic Microcalorimeter-Picker Specific Heat Unit, Model CP-E. Manufacturer: Sodev, Incorporated, Canada. Intended use of instrument: See Notice on page 36686 in the Federal Register of August 23, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (July 14, 1982).

Reasons: The foreign instrument has a heat capacity sensitivity of  $5 \times 10^{-5}$  J/K $\times$ cm<sup>3</sup> (Joules/Kelvin times cubic

centimeters) and a reproducibility of 0.2 percent. The National Bureau of Standards advises in its memorandum dated October 26, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was available at the time Customs received the application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time Customs received the application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34797 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### University of Southern California; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00275. Applicant: University of Southern California, University Park, Los Angeles, California 90007. Instrument: Micromanipulators with Accessories. Manufacturer: Narashige Scientific Instrument Laboratory, Japan. Intended use of instrument: See Notice on page 39545 in the Federal Register of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is a small unit that provides finely controlled calibrated micrometer movements in three orthogonal directions. The Department of Health and Human Services advises in its memorandum dated October 12, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34794 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### VA Medical Center Research Division (151), et al.; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereto (15 CFR Part 301 as amended by 47 FR 32517). (See especially § 301.5(f).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00277. Applicant: VA Medical Center Research Division (151), 3350 La Jolla Village Drive, San Diego, California 92161. Instrument: Refrigeration System with Thermo-Static Control for the Cooling Circuit #2 for VaP 11. Manufacturer: Bender & Hobein GMBH, West Germany. Intended use of instrument: See Notice on page 36685 in the Federal Register of August 23, 1982. Advice submitted by: Department of Health and Human Services: November 3, 1982.

Docket No. 82-00281. Applicant: Pennsylvania College of Optometry,

1200 West Godfrey, Philadelphia, PA 19141. Instrument: Interactive TEM-Morphometry Drawing Apparatus and 45° Goniometer. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 39546 in the *Federal Register* of September 8, 1982. Advice submitted by: Department of Health and Human Services: November 3, 1983.

Docket No. 82-00290. Applicant: University of Kentucky, Biochemistry Department, Medical Center, Lexington, KY 40536. Instrument: Nanosecond Fluorometer Components. Manufacturer: Photochemical Research Associates, Incorporated. Canada. Intended use of instrument: See Notice on page 39546 in the *Federal Register* of September 8, 1982. Advice submitted by: Department of Health and Human Services: November 3, 1982.

Docket No. 82-00316. Applicant: University of Maryland, Baltimore County, 5401 Wilkens Avenue, Catonsville, Maryland 2128. Instrument: LKB 14800-3 Cryokit. Manufacturer: LKB Produkter AB, Sweden. Intended use of instrument: See Notice on page 41797 in the *Federal Register* of September 22, 1982. Advice submitted by: Department of Health and Human Services: November 10, 1982.

Docket No. 82-00317. Applicant: Indiana University, 1101 east 17th Street, Bloomington, IN 4705. Instrument: Helber Bacteria Counting Chambers complete with Accessories. Manufacturer: Hawksely & Sons, Limited, United Kingdom. Intended use of instrument: See Notice on page 41798 in the *Federal Register* of September 22, 1982. Advice submitted by: Department of Health and Human Services: November 10, 1982.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The instruments are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health and Human Services in its respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic accessories.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instrument with which each accessory is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-34800 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

### Chain of Iron or Steel From Japan; Final Results of Administrative Review of Countervailing Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review of Countervailing Duty Order.

**SUMMARY:** On September 23, 1982, the Department of Commerce published in the *Federal Register* a notice of the preliminary results of its administrative review of the countervailing duty order on chain of iron or steel from Japan. The review covered the period January 1, 1981 through December 31, 1981. The notice stated that the Department had preliminarily determined the amount of the net subsidy to be 1.95 percent ad valorem.

Interested parties were invited to comment on our preliminary results. We received no comments. Therefore, the final results of the review are the same as those presented in the preliminary results.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Black or Kenneth Haldenstein, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2785

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 23, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 42012) the preliminary results of its administrative review of the countervailing duty order on chain of iron or steel from Japan (43 FR 37685, August 24, 1978). The Department has now completed that administrative review.

##### Scope of the Review

The merchandise covered by the review is chain of iron or steel, the links of which are essentially round in cross section, and parts thereof. Such chain is

currently classifiable under items 652.2410 through 652.2450, 652.2710 through 652.2740, 652.3010 through 652.3040, 652.3310 through 652.3330, and 652.3510 through 652.3530 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1981 through December 31, 1981 and a program of tax deferrals on funds held in the Overseas Market Development Reserve ("OMDR").

#### Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. Therefore, the final results of our review are the same as those presented in the notice of preliminary results of review.

The Department will instruct the Customs Service to assess countervailing duties in the amount of the net subsidy, 1.95 percent of the f.o.b. invoice price, on shipments of chain of iron or steel from Japan exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department will instruct the Customs Service to collect cash deposits of estimated countervailing duties of 1.95 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next administrative review by the end of August 1983. The amount of countervailing duties to be imposed on exports made during 1982 will be determined in that review. Consequently, the suspension of liquidation previously ordered will continue for all entries of this merchandise exported on or after January 1, 1982.

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

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

Dated: December 19, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34899 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

### Certain Textiles and Textile Products From Argentina; Preliminary Results of Administrative Review of Countervailing Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the countervailing duty order on certain textiles and textile products from Argentina, specifically men's and boys' woolen apparel. The review covers the period January 1, 1981 through December 31, 1981. As a result of the review, the Department has preliminarily determined the amount of net subsidy to be 5.67 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** December 23, 1982.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 14, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 33729) the final results of its last administrative review of the countervailing duty order on certain textiles and textile products from Argentina (47 FR 53421, November 18, 1978) and announced its intent to conduct the next administrative review by the end of November 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 men's and boys' woolen apparel imported from Argentina. Such apparel is currently classifiable under the items of the Tariff Schedules of the United States Annotated ("TSUSA") listed in the Appendix to this notice.

The review covers the period January 1, 1981 through December 31, 1981 and the following programs: (1) The *reembolso*, a cash rebate of indirect taxes; and (2) a preferential financing program.

#### Analysis of Programs

(1) *Reembolso*. The *reembolso* is a rebate of indirect and direct taxes, upon exportation of merchandise, paid as a percentage of the f.o.b. invoice price.

Although the Government of Argentina rebates upon exportation all indirect and direct taxes borne by the exported product, the Tariff Act allows the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of Part 355 of the Commerce Regulations) and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

For men's and boys' woolen apparel, the *reembolso* rate was 25 percent during 1981. The Government of Argentina has provided us with an analysis of the tax incidence in 1981 for the woolen garment industry. To calculate the net subsidy we allowed the rebate of indirect taxes on raw materials, which constitute the bulk of the taxes. In addition we allowed final stage indirect taxes, such as excise taxes. We disallowed taxes on labor, "indirect expenditures" and other items not physically incorporated.

Based on our analysis, we have found that indirect taxes of physically incorporated inputs and final stage indirect taxes on men's and boys' woolen apparel amount to 19.33 percent *ad valorem*. Therefore, we preliminarily determine that there was an overrebate of indirect taxes of 5.67 percent *ad valorem* for 1981.

(2) *Preferential Financing*. The preferential financing program makes pre-export loans, in pesos indexed to U.S. dollars, available to exporters at an interest rate of one percent. Such funds are available for a period of up to 180 days, and are to be repaid no later than 60 days after the export date. The funds are provided by the Central Bank of Argentina and disbursed by private commercial banks to individual borrowers.

Until July 1981, for men's and boys' woolen apparel, the Central Bank limited potential loan amounts to 55 percent of the contracted f.o.b. price. In August 1981, the limit was increased to

60 percent. However, because the Government of Argentina has informed us that this program was not used during 1981 for men's and boys' woolen apparel exports to the United States, we preliminarily determine that there was no benefit conferred under the preferential financing program during the period of review.

#### Preliminary Results of the Review

As a result of our review, we preliminarily determine the aggregate net subsidy conferred during the period of review by the two programs to be 5.67 percent *ad valorem*. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 5.67 percent of the f.o.b. invoice price on all shipments of men's and boys' woolen apparel from Argentina exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 5.67 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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 45 days after the date of publication or 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 this administrative review including the results of its analysis of issues raised in any such comments or at a hearing.

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

Dated: December 17, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

#### Appendix

*Wearing Apparel*

372.0800(b)

372.1020(a)(b)

372.1050(a)(b)  
 372.2500 (for male infants)  
 372.3000(b)  
 372.3500(b)  
 372.4000(b)  
 372.4500(b)  
 373.0500 of wool  
 373.1500  
 376.0800(b)  
 378.3510(b)  
 378.4000(b)  
 378.4500(b)  
 379.1100  
 379.1300  
 379.1510 through 379.1530  
 379.1710 through 379.1750  
 379.2010  
 379.2020  
 379.3520(a)  
 379.6615(a)  
 379.6934 through 379.6958(a)  
 379.7100  
 379.7240 through 379.7295  
 379.7400  
 379.7510  
 379.7530  
 379.7605 through 379.7650  
 379.7810 through 379.7850  
 379.7900  
 379.8100  
 379.8311 through 379.8360  
 379.8410  
 379.8420  
 379.8615(a)  
 379.8715(a)  
 379.9815(a)

\* Wool articles classified under this TSUSA item number are covered by this notice if they are included in the textile category system used by the United States to monitor and administer the U.S. textile trade agreements made pursuant to the Arrangement Regarding International Trade in Textiles, December 20, 1973, 25 U.S.T. 1001, TIAS 7840.

<sup>b</sup> If the item is for men and boys, it is included in this notice. The term "men and boys" should be interpreted in accordance with the applicable headnotes to the schedule part and subpart in which the TSUSA number falls. Where the phrase is not covered by such headnotes, items classified under the TSUSA number which can be used by either sex are covered by this notice. Items under TSUSA numbers identifiable as being intended exclusively for women and/or girls are not covered by this notice.

[FR Doc. 82-34898 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

### Amoxicillin Trihydrate and its Salts From Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the

countervailing duty order on amoxicillin trihydrate and its salts from Spain. The review covers the period January 1, 1981 through December 31, 1981. As a result of this review, the Department has preliminarily determined the amount of the net subsidy to be 1.28 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Laura K. Knealey or Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

#### Background

On August 5, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 33999) the final results of its last administrative review of the countervailing duty order on amoxicillin trihydrate and its salts from Spain (44 FR 44154, July 27, 1979) and announced its intent to conduct the next administrative review. 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

The merchandise covered by the review is amoxicillin trihydrate and its salts ("amoxicillin"), an antibiotic which is a semi-synthetic penicillin, imported directly or indirectly from Spain. Such imports are currently classifiable under item 411.7400 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1981 through December 31, 1981, and the following programs: (1) A rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion ("DFE"); and (2) an operating capital loans program. The only known exporter of this merchandise to the United States is antibioticos, S.A.

#### Analysis of Programs

(1) Desgravacion Fiscal a la Exportacion ("DFE") Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the government, under the DFE, rebates both these accumulated IGTE indirect taxes and final stage taxes.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act allows the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of Part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (see Annex 1.2 of Part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product in each case. In this case, the physically incorporated inputs are the raw materials previously allowed by the Department in the final results of the last review of this order.

The rebate of the two final stage taxes, the parafiscal tax on export licenses and the tax on freight and insurance, is also allowable when calculating whether or not there is an overrebate of indirect taxes under the DFE.

As of January 1, 1981, the Spanish government increased the IGTE rate from 2.4 percent to 3.8 percent while maintaining the previous rate for the export rebate. Based upon our analysis of the indirect taxed on physically incorporated inputs and the two indirect taxes on the final product, we determine that the change in aggregate indirect tax incidence has eliminated the overrebate previously found countervailable; therefore, we preliminarily determine the net subsidy attributable to this program during 1981 to be zero percent.

(2) *Operating Capital Loans.* The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year. For the first two months of 1981, the Spanish government fixed the interest rate for such loans at 8 percent, which was 1.5 percent below the legally established commercial interest rate of 9.5 percent. Effective March 1, 1981, the Spanish government increased the interest rate on operating capital loans from 8 to 10 percent while eliminating the interest rate ceiling on comparable short-term commercial loans. To determine the interest rate on comparable commercial loans for the remaining ten months in 1981, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average

creditworthiness and added the legally established fees and commissions. Comparing this benchmark with the 10 percent interest rate established for the operating capital loans program, we found a differential of 9.45 percent after March 1.

The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's Card. Antibioticos, S.A. has such a card and thus maximum eligibility until November 1981 was 35 percent. Effective November 21, 1981, the Spanish government decreased the maximum eligibility (including Exporter's Card eligibility) to 28 percent. Because we have no information on Antibioticos' actual level of utilization of this program, we assumed that the maximum allowable amount was borrowed. After prorating for the interest rate differentials and eligibility levels prevailing in 1981, we preliminarily determine the net subsidy conferred under this program in 1981 to be 1.28 percent of the f.o.b. invoice price of the merchandise.

Effective April 20, 1982, the Spanish government reduced the maximum percentage of eligibility for operating capital loans to 26.6 percent. As a result, using the same methodology and calculating the interest rate differential for the first five months of 1982, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy attributable to this program is 1.16 percent *ad valorem*.

#### Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during the period of review by the two programs is 1.28 percent *ad valorem*. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 1.28 percent of the f.o.b. invoice price on all shipments of Spanish amoxicillin exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.16 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in

effect until publication of the final results of the next administrative review.

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 45 days after the date of publication or 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 this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

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

Dated: December 17, 1982.

Gary N. Horlick,  
Deputy Assistant Secretary for Import  
Administration.

[FR Doc. 82-34897 Filed 12-22-82; 8:45 am]  
BILLING CODE 3510-25-M

#### Ampicillin Trihydrate and Its Salts From Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the countervailing duty order on ampicillin trihydrate and its salts from Spain. The review covers the period January 1, 1981 through December 31, 1981. As a result of this review, the Department has preliminarily determined the amount of the net subsidy to be 1.73 percent of the f.o.b. invoice price of the merchandise. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Laura K. Kneale or Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION: Background

On August 5, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 34000) the final results of its last administrative review of the countervailing duty order on ampicillin trihydrate and its salts from Spain (44 FR 17484, March 22, 1979) and announced its intent to conduct the next administrative review. 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

The merchandise covered by the review is ampicillin trihydrate and its salts ("ampicillin"), an antibiotic which is a semi-synthetic penicillin, imported directly or indirectly from Spain. Such imports are currently classifiable under item 411.6000 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1981 through December 31, 1981, and the following programs: (1) A rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion ("DFE"); and (2) an operating capital loans program. The only known exporter of this merchandise to the United States is Antibioticos, S.A.

#### Analysis of Programs

(1) *Desgravacion Fiscal a la Exportacion* ("DFE"). Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the government, under the DFE, rebates both these accumulated IGTE indirect taxes and final stage taxes.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act allows the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product

in each case. In this case, the physically incorporated inputs are the raw materials previously allowed by the Department in the final results of the last review of this order.

The rebate of two final stage taxes, the parafiscal tax on export licenses and tax on freight and insurance, is also allowable when calculating whether or not there is an overrebate of indirect taxes under the DFE.

As of January 1, 1981, the Spanish government increased the IGTE rate from 2.4 percent to 3.8 percent while maintaining the previous rate for the export rebate. Based upon our analysis of the indirect taxes on physically incorporated inputs and the two indirect taxes on the final product, we determine that the change in aggregate indirect tax incidence has eliminated the overrebate previously found countervailing, therefore, we preliminarily determine the net subsidy attributable to this program during 1981 to be zero percent.

(2) *Operating Capital Loans.* The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year. For the first two months of 1981, the Spanish government fixed the interest rate for such loans at 8 percent, which was 1.5 percent below the legally established commercial interest rate of 9.5 percent. Effective March 1, 1981, the Spanish government increased the interest rate on operating capital loans from 8 to 10 percent while eliminating the interest rate ceiling on comparable short-term commercial loans. To determine the interest rate on comparable commercial loans for the remaining ten months in 1981, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average creditworthiness and added the legally established fees and commissions. Comparing this benchmark with the 10 percent interest rate established for the operating capital loans program, we found a differential of 9.45 percent after March 1.

The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's Card. Antibioticos, S.A. has such a card and thus maximum eligibility until November 1981 was 35 percent. Effective November 21, 1981, the Spanish government decreased the maximum eligibility (including Exporter's Card eligibility) to 28 percent. Because we have no information on

Antibioticos' actual level of utilization of this program, we assumed that the maximum allowable amount was borrowed. After prorating for the interest rate differentials and eligibility levels prevailing in 1981, we preliminarily determine the net subsidy conferred under this program in 1981 to be 1.73 percent of the f.o.b. invoice price of the merchandise.

Effective April 20, 1982, the Spanish government reduced the maximum percentage of eligibility for operating capital loans to 26.6 percent. As a result, using the same methodology and calculating the interest rate differential for the first five months of 1982, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy attributable to this program is 1.57 percent *ad valorem*.

#### Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during the period of review by the two programs is 1.73 percent *ad valorem*. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 1.73 percent of the f.o.b. invoice price on all shipments of Spanish ampicillin exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.57 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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 45 days after the date of publication or 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 this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

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

Dated: December 17, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-34696 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

#### National Bureau of Standards

[Docket No. 2819-158]

#### Approval of Federal Information Processing Standard 95; Codes for the Identification of Federal and Federally-Assisted Organizations

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759 (f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. Responsibilities of the National Bureau of Standards for the development, publication, and promulgation of data elements and representation standards are defined in Part 6 of Title 15 of the Code of Federal Regulations. On April 21, 1981, a notice was published in the *Federal Register* (46 FR 22780-22781) that a standard for Codes for the Identification of Federal and Federally-Assisted Organizations was being proposed for Federal use. Interested parties were invited to submit written comments concerning this proposed standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved the standard as a FIPS, and that the standard shall be published as FIPS Publication 95. Use of this standard by Federal agencies is encouraged when such use contributes to operational benefits, efficiency, or economy.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for

inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

The Federal standard satisfies a long-standing need for a Federal agency identification code based on the Treasury Accounting Symbol. Expected benefits to Federal agencies using this standard in their information processing applications include reduced costs of data management and related paperwork, and improved opportunities for more effective use of data resources. The standard is expected to reduce duplication and promote coordination in information exchange involving Executive departments and independent agencies.

The approved FIPS contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice.

Interested parties may purchase copies of this standard, including the specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies section of the announcement portion of the standard.

Persons desiring further information about this standard may contact Mr. Roy Saltman, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3491.

Dated: December 16, 1982.

Raymond G. Kammer,  
Acting Director.

**Federal Information Processing Standards  
Publication 95, 1982 (Month) (Day)**

*Announcing the Standard for Codes for the  
Identification of Federal and Federally-  
Assisted Organizations*

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards in accordance with section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127). Executive Order 11717 (38 FR 12315), dated May 11, 1973, and Part 6 of Title 15 Code of Federal Regulations.

1. *Name of Standard:* Codes for the Identification of Federal and Federally-Assisted Organizations, (FIPS Pub 95).

2. *Category of Standard:* Federal General Data Element and Representation Standard.

3. *Explanation:* This standard provides a four-character identifier for each organization listed. The set of identifiers defines a standard data element. The two leftmost characters form a component data element which is identical with the two-digit numerical code used in the Federal budgetary process to identify major Federal organizations. This component, designated as the Treasury Agency Symbol (TAS), is maintained by the U.S. Department of the Treasury.

The purposes of data element standardization are to eliminate unnecessary duplications and incompatibilities in the collection, processing, and dissemination of data, and to maximize the usefulness of data resources. The use of data referenced to a standard set of representations or codes reduces collection costs by allowing previously collected data to be applied to new uses, and provides a potential for benefits derived from those additional applications. Standardization also reduces conversion costs for interchange of data between databases, and reduces costs of data element maintenance by the implementation of a single, maintained standard to replace separately maintained elements.

4. *Approving Authority:* The Secretary of Commerce.

5. *Maintenance Agency:* Data Element and Representation Standards Program Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Federal departments and independent agencies are invited to assist in the maintenance of this standard by submitting copies of newly implemented tables of organization that affect any listing.

Change notices to this FIPS PUB will be issued by the National Bureau of Standards. Users who wish to receive such notices should complete the Change Request Form included in this FIPS PUB and return it to the address indicated.

6. *Cross Index:* None.

7. *Applicability:* This Federal general data element and representation standard is made available for data interchange among executive departments and independent agencies and for Federal data interchange with the non-Federal sector including industry, State, local, and other Governments, and the public at large.

This standard data element may be used for the interchange of information on Federal operations when that information is identified by organization. Information interchanged may concern, for example: number of personnel employed, value of contracts and grants issued, value of services of an identical type received from a single source, inventoried quantity of a particular item, and value and identity of property managed or controlled. The data element need not be used to record information on Federal operations of unlisted, lower-level organizations. The data element may be used if lower-level data are aggregated to the level of organizations identified in this standard.

This standard data element also may be used for interchange of identification codes assigned to a set of similar items, but only if an organizational indication is included as

part of the coding structure. Examples of sets of items which could employ organizational-indicative identification codes are: the set of identities of Federal reports and computer programs that are available for public use or distribution, the set of identities of domestic assistance programs for which a prospective recipient might apply, and the set of identities of grants and contracts awarded. If organizational identification is used but is not fully appropriate below the first level, then only the two leftmost characters of the standard data element (the TAS) should be used. Agencies may wish to use the standard in applications other than those suggested above. This standard, however, is not intended for the replacement of U.S. Department of the Treasury agency location and appropriation fund account codes.

8. *Implementation Schedule:* This standard became effective December 1, 1982. Use by Federal agencies is encouraged when such use contributes to operational benefits, efficiency or economy.

9. *Specifications:* Federal Information Processing Standard 95 (FIPS Pub 95), Codes for the Identification of Federal and Federally-Assisted Organizations (affixed).

10. *Where To Obtain Copies of the Standard:* Copies of this publication are available for sale by the National Technical Information Service (NTIS), U.S. Dept. of Commerce, Springfield, Virginia 22161. When ordering, refer to Federal Information Processing Standards Publication 95 (FIPS Pub 95), and title. When microfiche is desired, this should be specified.

Inquires concerning the FIPS data element standards program may be directed to the Program Manager, Data Element and Representation Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234; telephone: (301) 921-3491.

[FR Doc. 82-34751 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-CN-M

**National Oceanic and Atmospheric  
Administration**

**New England Fishery Management  
Council; Public Meetings**

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss reports of the lobster oversight and demersal finfish oversight committees; a report from the National Marine Fisheries Service on the 3-tier data collection system; a staff report on meat count/shell size of sea scallops in the Gulf of Maine fishery; foreign fishing matters, as well as other fishery

management and administrative matters.

**DATES:** The public meetings will convene on Tuesday, January 11, 1983, at approximately 10 a.m., and will adjourn on Wednesday, January 12, 1983, at approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

**ADDRESS:** The meetings will take place at King's Grant Inn, Danvers, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:** New England Fishery Management Council, Suntaug Office Park—5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

Dated: December 20, 1982.

Joe P. Clem,

Acting Chief, Operations Coordination Group,  
National Marine Fisheries Service.

[FR Doc. 82-34883 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcing Import Restraint Levels for Certain Cotton, Wool, and Man- Made Fiber Textile Products from Macau, Effective on January 1, 1983

December 17, 1982.

**AGENCY:** Committee for the  
Implementation of Textile Agreements.

**ACTION:** Establishing import restraint  
levels for certain cotton, wool, and man-  
made fiber textile products imported  
from Macau, effective on January 1,  
1983.

**SUMMARY:** The Bilateral Cotton Wool,  
and Man-Made Fiber Textile Agreement  
of November 29 and December 18, 1979,  
between the Governments of the United  
States and Portugal establishes specific  
ceilings for cotton, wool, and man-made  
fiber textile products from Macau in  
Categories 333/334/335 (Suit-Type and  
Other Cotton Coats), 338 (Men's and  
Boys Knit Shirts), 339, (Women's Girls',  
and Infants' Knit Shirts and Blouses),  
340 (Men's and Boys' Woven Cotton  
Shirts), 341 (Women's, Girls', and  
Infants' Woven Cotton Blouses), 347/348  
(Cotton Trousers), 445/446 (Wool  
Sweaters), 633/634/635 (Suit-Type and  
Other Man-Made Fiber Coats), and 641  
(Blouses), during the agreement year  
which begins on January 1, 1983 and  
extends through December 31, 1983. The  
agreement also provides consultation  
levels for certain categories, such as  
Categories 331 (Cotton Gloves), and 351

(Cotton Nightwear), which are not  
subject to specific ceilings and which  
may be increased upon agreement  
between the two governments. In the  
letter published below the Chairman of  
the Committee for the Implementation of  
Textile Agreements directs the  
Commissioner of Customs, in  
accordance with the terms of the  
bilateral agreement, to prohibit entry  
into the United States for consumption,  
or withdrawal from warehouse for  
consumption, of textile products in the  
foregoing categories, produced or  
manufactured in Macau and exported  
during the twelve-month period which  
begins on January 1, 1983 and extends  
through December 31, 1983, in excess of  
the designated levels of restraint.

(A detailed description of the textile  
categories in terms of T.S.U.S.A.  
numbers was published in the **Federal  
Register** on February 28, 1980 (45 FR  
13172), as amended on April 23, 1980 (45  
FR 27463), August 12, 1980 (45 FR 53506),  
December 24, 1980 (45 FR 85142), May 5,  
1981 (46 FR 25121), October 5, 1981 (46  
FR 48963), October 27, 1981 (46 FR  
52409), February 9, 1982 (47 FR 5926),  
and May 13, 1982 (47 FR 20654))

This letter and the actions taken  
pursuant to it are not designed to  
implement all of the provisions of the  
bilateral agreement, but are designed to  
assist only in the implementation of  
certain of its provisions.

**EFFECTIVE DATE:** January 1, 1983.

**FOR FURTHER INFORMATION CONTACT:**  
Diana Bass, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
Washington, D.C. 20230 (202/377-4212).  
Walter C. Lenahan,  
Chairman, Committee for the Implementation  
of Textile Agreements.

December 17, 1982.

**Committee for the Implementation of Textile  
Agreements**

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C. 20229

Dear Mr. Commissioner: Under the terms of  
the Arrangement Regarding International  
Trade in Textiles done at Geneva on  
December 20, 1973, as extended on December  
15, 1977 and December 22, 1981; pursuant to  
the Bilateral Cotton, Wool, and Man-Made  
Fiber Textile agreement of November 29 and  
December 18, 1979, between the Governments  
of the United States and Portugal; and in  
accordance with the provisions of Executive  
Order 11651 of March 3, 1972, as amended by  
Executive Order 11951 of January 6, 1977, you  
are directed to prohibit, effective on January  
1, 1983 and for the twelve-month period  
extending through December 31, 1983, entry  
into the United States for consumption and  
withdrawal from warehouse for consumption  
of cotton, wool, and man-made fiber textile

products in the following categories,  
produced or manufactured in Macau, in  
excess of the indicated level of restraint:

Category	12-mo. level of restraint
331	200,000 dozen pairs.
333/334/335	91,163 dozen of which not more than 53,976 dozen shall be in Cat. 333/335.
338	137,644 dozen.
339	585,843 dozen.
340	131,941 dozen.
341	85,099 dozen.
347/348	314,259 dozen.
351	13,462 dozen.
445/446	69,972 dozen.
633/634/635	220,051 dozen.
641	79,102 dozen.

In carrying out this directive, entries of  
textile products in the foregoing categories,  
which have been exported to the United  
States on and after January 1, 1982, shall, to  
the extent of any unfilled balances, be  
charged against the levels of restraint  
established for such goods during the twelve-  
month period beginning on January 1, 1982  
and extending through December 31, 1982. In  
the event the levels of restraint established  
for that period have been exhausted by  
previous entries, such goods shall be subject  
to the levels set forth in this letter.

The levels set forth above are subject to  
adjustment in the future according to the  
provisions of the bilateral agreement of  
November 29 and December 18, 1979, which  
provide, in part, that: (1) Within the aggregate  
and applicable group limits, specific levels of  
restraint may be exceeded by designated  
percentages; (2) these same levels may be  
increased for carryover and (3)  
administrative arrangements or adjustments  
may be made to resolve minor problems  
arising in the implementation of the  
agreement. Any appropriate adjustment  
under the provisions of the bilateral  
agreement referred to above will be made to  
you by letter.

A detailed description of the textile  
categories in terms of T.S.U.S.A. numbers  
was published in the **Federal Register** on  
February 28, 1980 (45 FR 13172), as amended  
on April 23, 1980 (45 FR 27463), August 12,  
1980 (45 FR 53506), December 24, 1980 (45 FR  
85142), May 5, 1981 (46 FR 25121), October 5,  
1981 (46 FR 48963), October 27, 1981 (46 FR  
52409), February 9, 1982 (47 FR 5926), and  
May 13, 1982 (47 FR 20654).

In carrying out the above directions, the  
Commissioner of Customs should construe  
entry into the United States for consumption  
to include entry for consumption into the  
Commonwealth of Puerto Rico.

The actions taken with respect to the  
Government of Portugal and with respect to  
imports of cotton, wool, and man-made fiber  
textile products from Macau have been  
determined by the Committee for the  
Implementation of Textile Agreements to  
involve foreign affairs functions of the United  
States. Therefore, these directions to the  
Commissioner of Customs, which are  
necessary for the implementation of such  
action, fall within the foreign affairs  
exception to the rule-making provisions of 5

U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lanahan

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-34789 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

### Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Polish People's Republic, Effective on January 1, 1983

December 17, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products imported from Poland, effective on January 1, 1983.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), May 13, 1982 (47 FR 20654), and November 24, 1982 (47 FR 53091))

**SUMMARY:** The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981 between the Governments of the United States and the Polish People's Republic establishes specific ceilings for cotton, wool, and man-made fiber textile products in Categories 335, 433, and 443/643/644, produced or manufactured in Poland and exported during the twelve-month period which begins on January 1, 1983.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in the foregoing categories in excess of the designated twelve-month levels of restraint. The levels of restraint for Category 443/643/644 and its sublimit have been reduced by 788 dozen to reflect carryforward used in 1982.

**EFFECTIVE DATE:** January 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Carl Ruths, International Trade Specialist, Office of Textiles and

Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lanahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

December 17, 1982

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,

*Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1983 and for the twelve-month period extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in the following categories, produced or manufactured in Poland, in excess of the indicated levels of restraint:

Category	12-mo level of restraint
335.....	40,179 dozen.
433.....	7,299 dozen.
443/643/644.....	15,150 dozen of which not more than 12,473 dozen shall be applied to all T.S.U.S.A. numbers in these categories except 379.8351, 379.8352, 379.8920, and 379.9560.

In carrying out this directive, entries of cotton, wool, and man-made fiber textile products in the foregoing categories, produced or manufactured in Poland, which have been exported to the United States during the period beginning on January 1, 1982 and extending through December 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period which began on January 1, 1982 and extends through December 31, 1982. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic, which provide, in part, that: (1) Within the

aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton, wool, and man-made fiber textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lanahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-34790 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

### Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Singapore Effective on January 1, 1983

December 17, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products imported from Singapore, effective January 1, 1983.

**SUMMARY:** The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, establishes specific levels of restraint for cotton and man-made fiber textile products in Categories 320 (other woven fabrics), 333/334/335 (cotton coats), 340 (men's and boys' woven cotton shirts), 347/348 (cotton trousers), and 604 (other man-made fiber yarn, wholly of non-cellulosic filament), produced or manufactured in Singapore and exported to the United States during the twelve-month period beginning on

January 1, 1983. It also provides consultation levels for certain categories, such as Categories 319 (carded cotton duck), 341 (women's, girls, and infants' woven cotton blouses), 445/446 (wool sweaters), 640 (men's and boys' woven shirts of man-made fiber), and 641 (women's, girls', and infants woven blouses of man-made fiber), among others.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directs that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in Categories in 319, 320, 333/334/335, 340, 341, 347/348, 445/446, 604, 640, and 641 be limited to the designated levels of restraint during the twelve-month period which begins on January 1, 1983 and extends through December 31, 1983.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), May 13, 1982 (47 FR 20654), and November 24, 1982 (47 FR 53091))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**EFFECTIVE DATE:** January 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Walter C. Lenahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

December 17, 1982.

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
Department of the Treasury,  
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of

January 6, 1977, you are directed to prohibit, effective on January 1, 1983 and for the twelve-month period extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in the following categories, produced or manufactured in Singapore, in excess of the indicated twelve-month levels of restraint:

Category	12-mo level of restraint
319.....	3,000,000 square yards.
320.....	8,400,000 square yards.
333/334/335.....	191,443 dozen of which not more than 11,008 dozen shall be in Cat. 333; not more than 58,122 dozen shall be in Cat. 334; and not more than 151,029 dozen shall be in Cat. 335.
340.....	446,699 dozen.
341.....	48,276 dozen.
347/348.....	638,141 dozen of which not more than 549,598 dozen shall be in Cat. 347 and not more than 248,077 dozen shall be in Cat. 348.
445/446.....	20,000 dozen.
604.....	1,212,750 pounds.
640.....	29,167 dozen.
641.....	48,276 dozen.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in the Republic of Singapore, which have been exported to the United States on and after January 1, 1982 and extending through December 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) specific levels may be increased by carryover and carryforward up to 11 percent of the applicable category limit and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), May 13, 1982 (47 FR 20654), and November 24, 1982 (47 FR 53091).

In carrying out the above directions, the Commissioner of Customs should construe

entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton, wool, and man-made fiber textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-34791 Filed 12-22-82; 8:45 am]

BILLING CODE 3510-25-M

**COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHERS SEVERELY HANDICAPPED**

**Procurement List 1983; Additions**

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

**EFFECTIVE DATE:** December 23, 1982.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** C. W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On July 23, 1982, August 20, 1982, and September 30, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 31915, 47 FR 36467, 47 FR 43107) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1983:

*Class 7510*

Sheath, Pen and Pencil, 7510-00-052-2664

*Class 7920*

Cloth, Wiping ("Jean Cotton"), 7920-LL-L01-0013 (12" x 13"), 7920-LL-L01-0014 (20" x 30"), (Requirements for the Portsmouth Naval Shipyard, Portsmouth, New Hampshire only)

*SIC 0782*

Grounds Maintenance, Buildings 4582 and 4531, Portable Buildings 2, 9, 12, 13, 18, 19, 20, 59 and 61, Bergstrom Air Force Base, Texas

*SIC 7349*

Janitorial/Custodial (Laundry), National Defense University, Health Fitness, Ft. McNair, Washington, D.C.

Janitorial Service, Federal Records Center, 380 Trapelo Road, Waltham, Massachusetts

C. W. Fletcher,

*Executive Director.*

[FR Doc. 82-34827 Filed 12-22-82; 8:45 am]

BILLING CODE 5820-33-M

**Procurement List 1983; Notice of Establishment; Correction**

In FR Doc. 82-31658 appearing at page 52101 in the issue for Thursday, November 18, 1982, make the following corrections:

1. On page 52107, second column, under "Decalomania NUMBERS AND LETTERS (SH)", the first entry should read 7690-00-1½" and the third entry should read 7690-00-311-7128-3".

2. On page 52108, second column, under "Coin Bages (SH)", the entry "8105-00-NSH-0007-50% of Gov't requirement" should be deleted.

3. On page 52113, first column, under "Department of Treasury: Bureau of Engraving and Printing, Washington, D.C., for Public Debt Building (SH)", the entire entry should be in Column 3

under the "Janitorial/Elevator Operator".

C. W. Fletcher

*Executive Director.*

[FR Doc. 82-34826 Filed 12-22-82; 8:45 am]

BILLING CODE 5820-33-M

**Procurement List 1983; Proposed Additions and Deletion**

**AGENCY:** Committee for purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed additions to and deletion from procurement list.

**SUMMARY:** The Committee has received proposals to add to and delete from Procurement List 1983 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

**DATE:** Comments must be received on or before: January 26, 1983.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** C. W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

**Additions**

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the Commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1983, November 18, 1982 (47 FR 52101):

*Class 7510*

Binder, Looseleaf, Presentation Style, 7510-00-582-5398, 7510-00-582-5399, 7510-00-582-5400 (For GSA Regions 1, 5, 6, 7, 8, 9, and 10)

*Class 7530*

Card, Index: 7530-00-238-4316, 7530-00-244-7453, 7530-00-242-7456, 7530-00-247-0325, 7530-00-247-0318, 7530-00-247-0310, 7530-00-247-1315

*Class 7530*

Card, Index: 7530-00-244-7459, 7530-00-244-745, 17530-00-234-9436, 7530-00-238-4319, 7530-00-238-4331, 7530-00-264-3723, 7530-00-949-2787, 7530-00-243-9437, -247-0311, 7530-00-244-7447, 7530-00-247-0315

Folder, File, Pressboard, 7530-00-926-8981, 17530-00-926-8983, 7530-00-739-7723

Folder Set, File, Pressboard, 7530-00-286-6926

*Class 8415*

Mask, Extreme Cold Weather, 8415-00-006-3468, 8415-00-243-9844

**Deletion**

It is proposed to delete the following service from Procurement List 1983, November 18, 1982 (47 FR 52101):

*SIC 7699*

Rebuilding of Typewriters, General Services Administration, GSA Self-Service Stores, Chicago, Illinois

C. W. Fletcher,

*Executive Director.*

[FR Doc. 82-34826 Filed 12-22-82; 8:45 am]

BILLING CODE 5820-33-M

**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**USAF Scientific Advisory Board; Meeting**

December 7, 1982.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group will meet at Wright-Patterson AFB, OH, on January 27-28, 1983. The purpose of the meeting will be to discuss development of synthetic aperture radars and the various foreign contributions to the state of the art. The meeting will convene at 8:30 a.m. and adjourn at 3:30 p.m. on each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 82-34818 Filed 12-22-82; 8:45 am]

BILLING CODE 3910-01-M

**USAF Scientific Advisory Board; Meeting**

December 14, 1982.

The USAF Scientific Advisory Board Acquisition Logistics Division Advisory Group will meet at Headquarters Air Force Acquisition Logistics Division, Wright-Patterson Air Force Base, Ohio on February 2-3, 1983. The purpose of the meeting will be to conduct a

preliminary supportability analysis of the Advanced Tactical Fighter program. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Winnibel F. Holmes,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 82-34853 Filed 12-22-82; 8:45 am]

BILLING CODE 3910-01-M

### Office of the Secretary

#### Defense Science Board Task Force on Anti-Tactical Missiles (ATM), Phase II; Notice of Advisory Committee Meeting

The defense Science Board Task Force on Anti-Tactical Missile (ATM) will meet in closed session on 27 January 1983 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs to the Department of Defense.

At the meeting on 27 January 1983 the Defense Science Board Task Force on ATM will examine the status of defense against Soviet Tactical Missiles and will discuss a final report.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

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

December 17, 1982.

[FR Doc. 82-34770 Filed 12-22-82; 8:45 am]

BILLING CODE 3910-01-M

#### Defense Science Board Task Force on Long Endurance Aircraft;

The Defense Science Board Task Force on Long Endurance Aircraft (LEA) will meet in closed session on 20-21 January 1983 in the Pentagon, Arlington Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering

on scientific and technical matters as they affect the perceived needs to the Department of Defense.

At the meeting on 20-21 January 1983 the Defense Science Board Task Force on LEA will consider the mission potential for long endurance aircraft.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

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

December 17, 1982.

[FR Doc. 82-34771 Filed 12-22-82; 8:45 am]

BILLING CODE 3810-01-M

#### Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, February 1, 1983; Tuesday, February 8, 1983; Tuesday, February 15, 1983; and Tuesday, February 22, 1983 at 10:00 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby

determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301

M. S. Healy

*OSD Federal Register Liaison Officer  
Department of Defense.*

December 17, 1982.

[FR Doc. 82-34772 Filed 12-22-82; 8:45 am]

BILLING CODE 3810-01-M

### DEPARTMENT OF EDUCATION

#### National Advisory Council Women's Educational Programs; Meeting

**AGENCY:** National Advisory Council on Women's Educational Programs.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Women's Educational Programs Executive Committee. The agenda will be a discussion of National Advisory Council on Women's Educational Programs goals and objectives for 1983. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This Document is intended to notify the general public of their opportunity to attend.

**DATE:** January 8, 1983, 9:00 a.m. to 4:30 p.m.

**ADDRESS:** The meetings will be held at O'Hare Hilton Hotel, O'Hare International Airport, Chicago Illinois.

**FOR FURTHER INFORMATION CONTACT:** Sharon Petersen, Special Assistant to the Executive Director, National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C., 20036; (202) 653-5846.

**SUPPLEMENTARY INFORMATION:** The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95-561. The Council

is mandated to: (a) Advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 1832 M Street, NW., Suite 821, Washington, D.C. 20036.

Signed at Washington, D.C. on December 21, 1982.

Sharon Petersen,  
Acting Executive Director.

[FR Doc. 82-35029 Filed 12-22-82; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery will meet in January 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its second meeting on Wednesday, January 12, 1983, starting at 9:00 a.m. in Room 1603, Mobile Exploration and Producing Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on December 16, 1982.

Donald L. Bauer,  
Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 82-34814 Filed 12-22-82; 8:45 am]

BILLING CODE 6450-01-M

### Procurement and Assistance Management Directorate

**AGENCY:** Department of Energy.

**ACTION:** Notice of debarment.

**SUMMARY:** This notice announces that the Department of Energy (DOE) has debarred Ronald A. Buening, and all organizations with which he is or may become affiliated, from participating in any new DOE contract or subcontract for a period beginning December 20, 1982, and ending September 8, 1984.

**DATE:** The debarment became effective on December 20, 1982, and shall remain in effect through September 8, 1984.

**FOR FURTHER INFORMATION CONTACT:** Scott Sheffield, Procurement and Assistance Management Directorate, Room 1E-018, Forrestal Building, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202/252-8267.

**SUPPLEMENTARY INFORMATION:** The debarment is being imposed in accordance with the procedures set forth in Federal Procurement Regulations (FPR) Temporary Regulation No. 65, 41 CFR Subpart 1-1.6, 47 FR 43692 (October 4, 1982), and the DOE Procurement Regulations (DOE-PR), 41 CFR Subpart 9-1.6. In addition to Ronald A. Buening, the known affiliated organizations affected by the debarment are R. A. Buening, C.P.A., C.E.A.; R. A. Buening and Associates; and Applied Energy Conservation Techniques, Ltd. Mr. Buening's address is 441 Mariner Drive, Tarpon Springs, Florida 33589. The address of all the known affiliates is the same: P.O. Box 1118, Tarpon Springs, Florida 33589.

During the period of debarment, DOE will neither accept nor consider a bid or proposal submitted by Mr. Buening or by any organization with which he is affiliated. In addition, DOE will not approve any new contract between him or any such affiliated organization and a DOE contractor.

The debarment is based on Mr. Buening's September 8, 1982, conviction in the United States District Court for the Middle District of Florida for violation of Title 18 of the United States Code, Sections 287 and 2. According to the judgment of conviction, Mr. Buening plead guilty to presenting a false claim of \$10,825.00 to the State of Florida Governor's Energy Office for payment under the DOE Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions, 10 CFR Part 455.

As required under DOE-PR 9-1.602, Mr. Buening and the above named affiliated organizations have been placed on the DOE Consolidated List of Debarred, Suspended, and Ineligible Contractors which is distributed periodically to DOE Contracting Officers. DOE has also notified the General Services Administration of this debarment.

Issued in Washington, D.C. on December 20, 1982.

Hilary J. Rauch,  
Director, Procurement and Assistance,  
Management Directorate.

[FR Doc. 82-34730 Filed 12-22-82; 8:45 am]

BILLING CODE 6450-01-M

### Economic Regulatory Administration

#### Mustang Fuel Corp.; Action Taken on Consent Order

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of action taken on Consent Order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Mustang Fuel Corporation as a final order of the Department.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466, (816) 374-2092.

**SUPPLEMENTARY INFORMATION:** On November 12, 1982, 47 Fed. Reg. 51182, the ERA published a notice in the Federal Register that it executed a proposed Consent Order with Mustang Fuel Corp. (Mustang) of Oklahoma City, Okla., on November 3, 1982, which would not become effective sooner than 30 days after publication of that notice. The Consent Order settles regulatory violations alleged by the Department of Energy (DOE) against Mustang, involving prices charged for natural gas liquids and natural gas liquid products by Mustang's subsidiary, Mustang Gas Products Company, during the period September 1, 1973 through January 27, 1981. Under the terms of the Consent Order, Mustang Fuel Company agrees to refund \$4,600,000, to be distributed by the DOE.

Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. Three comments were received. Each proposed that the refund, or a

portion thereof, be distributed to the States for redistribution.

As stated in the proposed Consent Order, the ERA is at present unable to determine the appropriate disposition of the refund, and it is for that reason that such a determination has been deferred. Since the proposed Consent Order does not bind the DOE to a specific distribution of the refund, the comments received are fully consistent with it. Thus the ERA has determined that it should adopt the Consent Order as proposed.

Issued in Kansas City on the 14th day of December, 1982.

**David H. Jackson,**  
Director, Kansas City Office, Economic  
Regulatory Administration.

[FR Doc. 82-34908 Filed 12-22-82; 8:45 am]

**BILLING CODE 6450-01-M**

## FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. C183-94-000]

### Caddo Pine Island Corp., Application for Abandonment of Service

December 16, 1982.

Take notice that the Applicant listed herein has filed an application pursuant to Section 7 of the Natural Gas Act for authorization to abandon service as described herein, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1982, file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on the application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

**Lois D. Cashell,**  
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
C183-94-000 (G-11392), B, Dec. 13, 1982	Caddo Pine Island Corporation, Route 1, Box 500, Oil City, Louisiana 71061.	Arkansas Louisiana Gas Company, Caddo Pine Island Field, Caddo Parish, Louisiana.	(1)	

<sup>1</sup> Depletion of the supply of casing head gas resulted in there not being enough gas to operate the plan economically.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc 82-34663 Filed 12-22-82; 8:45 am]

**BILLING CODE 6717-01-M**

[Docket No. SA83-4-000]

### Continental Steel Corp.; Petition for Adjustment Seeking Interim Relief and Permanent Extension of Exemption From Incremental Pricing Provisions of NGPA

December 16, 1982.

Take notice that on November 17, 1981, Continental Steel Corporation (Continental Steel) filed with the Commission a petition for adjustment

under sections 502(c) and 206(d) of the Natural Gas Policy Act of 1978 (NGPA) and Subpart K of the Commission's Rules of Practice and Procedure. Continental Steel seeks interim relief and a permanent exemption from incremental pricing surcharges imposed under Title II of the NGPA.

Continental Steel uses natural gas as a boiler fuel in the manufacture of steel products at its plant in Kokomo, Indiana. The gas is supplied by Kokomo Gas and Fuel Company, and it is

estimated that an incremental pricing surcharge of, for example, 10¢/Mcf will result in additional costs of approximately \$150,000 per year. Continental Steel has recently been reorganized under Chapter 11 of the Federal Bankruptcy Code and maintains that additional gas surcharge costs will tend to make its job of rebuilding and returning to profitable operations more difficult.

Continental Steel states further that it is the third largest employer in the

Kokomo area and that surcharges could place additional hardships on the steelworkers it employs. Until the economy significantly improves, Continental Steel is faced with meeting fixed costs from capital reserves. Moreover, it states that it cannot pass on increased costs to its customers because of a pattern of failing sales and prices in the markets it serves.

The procedures applicable to this adjustment proceeding are found at Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-1117, and § 282.206 of the Commission's regulations, 18 CFR 282.206.

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of Rule 1105. All petitions to intervene must be filed within 15 days after publication of this notice in the *Federal Register*.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-34864 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-5-000]

**El Paso Natural Gas Co.; Petition for Staff Adjustment**

Issued: December 17, 1982.

On November 22, 1982, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978 filed a Petition For Staff Adjustment with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3342 (Supp. IV 1980), and Rules 1101-1117, Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-1117.

El Paso requests an adjustment from § 270.101(e) of the Commission's regulations which requires refunds of overpayments to first sale sellers of natural gas to be made to the purchaser with interest. El Paso claims that special hardship, inequity and unfair distribution of burdens will result if the request is not granted.

El Paso states that there are lag periods between the time a denial or withdrawal of a well eligibility application is made or a stripper well is disqualified and the time when El Paso receives notice of such action. These lags result in El Paso paying the first seller of such gas the previously applicable higher amount for two to five month's production after a lower price is applicable. El Paso states that it currently makes up these temporary

overcollection payment imbalances promptly by adjusting subsequent payments with the first seller without the collection of interest. El Paso further states that its present computerized payment system is incapable of calculating and recouping an increment of interest on the principal amounts made up by payment adjustment, and that the time and costs of designing, developing and implementing such a system could outweigh any benefit gained by adding it.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-1117. (47 FR 19014, May 3, 1982).

Any person desiring to participate in this adjustment proceeding shall file a motion to intervene in accordance with Rule 1105 of the Commission's revised rules of Practice and Procedure. All motions to intervene must be filed within 15 days after publication of this notice in the *Federal Register*.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-34865 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CS71-625-000, et al.]

**Entex Petroleum Inc. (Big Chief Drilling Co.) et al.; Applications for "Small Producer" Certificates<sup>1</sup>**

December 17, 1982.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 4, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS71-625-000.....	12/3/82	Entex Petroleum Inc. (Big Chief Drilling Co.), P.O. Box 14837, Oklahoma City, Okla. 73113.
CS83-14-000.....	10/28/82	Ruth S. McArthur, 8318 East Welsh Trail, Scottsdale, Ariz. 85258.
CS83-15-000.....	11/4/82	Graham Exploration, Ltd., 3510 North Causeway Blvd., Suite 408, Metairie, La. 70002.
CS83-16-000.....	11/8/82	Ashton J. Fischer, 1009 Jefferson, New Orleans, La. 70115.
CS83-17-000.....	11/15/82	Enex Oil & Gas Income Program I, Series 3, whose General Partner is Enex Resources Corp., 1 Kingwood Place, Suite 202, Kingwood, Tex. 77339.
CS83-18-000.....	11/15/82	Esso Inc., P.O. Box 1796, Oklahoma City, Okla. 73101.
CS83-19-000.....	11/15/82	S T Joint Venture 1982 D, P.O. Box 552, Westport, Conn. 06881.
CS83-20-000.....	11/15/82	Seajay Oil, Inc., 130 Brandy Dr., Marietta, Ohio 45750.

<sup>1</sup>On June 25, 1975, Big Chief Drilling Company, holder of a small producer certificate changed its name to Entex Petroleum Inc.

[FR Doc. 82-34866 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-94-000]

**Gas Service, Inc.; Application**

December 17, 1982.

Take notice that on November 17, 1982, Gas Service, Inc. (Applicant), P.O. Box 807, Nashua, New Hampshire 03061, filed in Docket No. CP83-94-000 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is engaged in the distribution and retail sale of natural gas and mixed natural gas and propane for ultimate public consumption within its franchise territory in the towns of and areas surrounding Nashua, Keene, and Lacoia, New Hampshire. It is asserted that all gas received by Applicant within New Hampshire is delivered and ultimately consumed within that state. Applicant states its sole source of supply of natural gas is Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

It is explained that Applicant's franchise territory is adjacent to other gas distribution company systems within New Hampshire with which, from time to time as weather or operating conditions on its or its adjacent company system would require or permit, Applicant has or would exchange volumes of natural gas, or to which it would sell natural gas. These exchanges or sales, Applicant asserts, act to relieve short-term supply shortfalls, serve emergency purposes, or permit Applicant to maintain the proper mix of natural gas and propane as conditions require.

It is further asserted that the Public Utilities Commission of the State of New Hampshire has certified to the Commission that natural gas rates, service and facilities of Applicant are subject to its regulatory jurisdiction and that the Commission is exercising such jurisdiction.

Applicant, therefore, requests a declaration of exemption pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34867 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP78-532-008]

**Ozark Gas Transmission System; Petition To Amend**

December 20, 1982.

Take notice that on December 17, 1982, Ozark Gas Transmission System (Ozark), 2700 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP78-532-008 a petition to amend the order issued July 28, 1981, in Docket No. CP78-532, as amended, pursuant to Section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, to conform said certificate to the actual, as-built Carter Lateral line and Carter Lateral Compressor Station.

Ozark was originally authorized to construct and operate a new pipeline system consisting of approximately 285 miles of 20-inch transmission line, 170 miles of various diameter lateral lines, 3,200 horsepower of lateral line compression and appurtenant facilities. Among such authorized facilities were the Carter Lateral Line and the Carter Lateral Compressor Station, located in Franklin County, Arkansas. Ozark states that a question may exist as to whether such facilities are actually located as contemplated by the certificate granted in Docket No. CP78-532. As a means of resolving the matter, it therefore requests that the certificate, as amended, be further amended to conform to the as-built location of the Carter Lateral Line and the Carter Lateral Compressor Station.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 30, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34876 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-95-000]

**Manchester Gas Co.; Application**

December 17, 1982.

Take notice that on November 17, 1982, Manchester Gas Company (Applicant), P.O. Box 329, Manchester, New Hampshire 03105, filed in Docket No. CP81-95-000 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is engaged in the distribution and retail sale of natural gas and mixed natural gas and propane for ultimate public consumption within its franchise territory consisting of the City of Manchester and three surrounding communities in New Hampshire. It is asserted that all gas received by Applicant within New Hampshire is delivered and ultimately consumed within that state. Applicant states its sole source of supply of natural gas is Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

It is explained that Applicant's franchise territory is adjacent to other gas distribution company systems within New Hampshire with which from time to time as weather or operating conditions on its or its adjacent company systems would require or permit, Applicant has or would exchange volumes of natural gas, or to which it would sell natural gas. These exchanges or sales, Applicant asserts, act to relieve short-term supply shortfalls, serve emergency purposes, or permit Applicant to maintain the proper mix of natural gas and propane as conditions require.

It is further asserted that the Public Utilities Commission of the State of New Hampshire has certified to the Commission that the natural gas rates, service and facilities of Applicant are subject to its regulatory jurisdiction.

Applicant, therefore, requests a declaration of exemption pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34869 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-108-000]

**Michigan Consolidated Gas Co., and Interstate Storage Division; Application**

December 17, 1982.

Take notice that on November 30, 1982, Michigan Consolidated Gas Company-Interstate Storage Division (Mich Con), 500 Griswold Street, Detroit, Michigan 48226, filed in Docket No. CP83-108-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas for the system supply of any other interstate pipeline, all as more fully set forth in the application on file with the Commission and open to public inspection.

Mich Con requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states it would comply with § 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1983, file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR

157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Mich Con to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34670 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-100-000]

**Michigan Wisconsin Pipe Line Co.; Request Under Blanket Authorization**

December 17, 1982.

Take notice that on November 22, 1982, Michigan Wisconsin Pipe Line Company (Mich-Wis), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP83-100-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Mich-Wis proposes to add a new delivery point to Northern Indiana Public Service Company (Nipsco) in Mongo, La Grange County, Indiana, under the authorization issued in Docket No. CP82-480-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Mich-Wis states that natural gas sales are made to Nipsco pursuant to the service agreement between the parties dated June 22, 1979, as amended. Mich-Wis proposes the construction and operation of a new meter station in

Mongo, Indiana, for deliveries of natural gas to Nipsco in order to provide natural gas service to an industrial and certain residential end-users. The maximum daily deliveries of natural gas at the Mongo delivery point would be 2,900 Mcf which are within Nipsco's currently existing peak day and annual entitlements, it is submitted.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34871 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-105-000]

**Mountain Fuel Supply Co.; Request Under Blanket Authorization**

December 17, 1982.

Take notice that on November 29, 1982, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP83-105-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to add new delivery points under the authorization issued in Docket No. CP82-490-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to § 157.212 of the Commission's Regulations, as amended, Applicant proposes to transport gas to Natural Gas Pipeline Company of America (Natural) at additional delivery points.

By Commission order issued November 21, 1979, in Docket No. CP79-288, Applicant was authorized to deliver up to 20,000 Mcf of natural gas per day to Colorado Interstate Gas Company (CIG) for Natural's account at Applicant's Kanda Exchange Point

located in Sweetwater County, Wyoming. Applicant intends to establish delivery of such gas to Wyoming Interstate Company (WIC) for Natural's account as an alternative to the existing delivery point. The delivery of natural gas would be made through existing points of interconnection between the facilities of Applicant and WIC at the Kanda Exchange Point, it is explained. No new facilities are proposed or required by the instant proposal.

Applicant states the proposed additional delivery points would have no adverse impact on Applicant's peak day or annual deliveries as the instant request proposes no increase in the volumes to be delivered and the facilities to be used are adjacent to those through which the volumes are currently being delivered.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34872 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. GP83-5-000]

**State of New Mexico, Section 108  
NGPA Determination, Gulf Oil  
Corporation, R. E. Cole (NCT-A) Well  
No. 5, FERC J. D. No. 82-47290;  
Petition To Reopen and Vacate Final  
Well Category Determination and  
Request To Withdraw**

Issued: December 17, 1982.

On November 10, 1982, Gulf Oil Corporation (Gulf) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination, that gas from the R. E. Cole (NCT-A) Well No. 5, located in Lea County, New Mexico, qualifies as a stripper natural gas well pursuant to section 108 of the

Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. IV 1980). This determination made by the New Mexico Oil Conservation Division (NMOCD) became a final determination on September 24, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).

Gulf requests reopening of this final determination so that it can withdraw its application for said determination as a result of an internal review which uncovered the information that production during the 90 day qualifying period used for the subject well exceeded 60 Mcf per day.

Gulf states that it will promptly make all appropriate refunds, with interest, if any, that may be due to the purchasers of natural gas from the subject well. Gulf avers that it has not collected the NGPA section 108 rate for any sales of natural gas to El Paso Natural Gas Company from the R. E. Cole (NCT-A) Well No. 5, and therefore, no refund is due El Paso. Notwithstanding these assertions, the Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(d), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 82-34868 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. CP66-269, et al. and Docket  
No. C167-1810]

**Tennessee Gas Pipeline Co., et al. and  
Louisiana Land and Exploration Co.;  
Informal Conference**

December 16, 1982.

Notice is hereby given that an informal conference to discuss the above-proceedings will be held on January 21, 1983 at 10:00 a.m. in a hearing room of the FERC, 825 N.

Capitol Street, N.E., Washington, D.C. 20426.

The conference room will be posted on the day of the conference on the second floor.

Specifically, the participants will be considering procedures and possible settlement of refund issues remaining after issuance of FPC Opinion No. 772 (royalty interests, Bastian Bay Field).

Applicants, intervenors, and staff will be permitted to attend.

**Lois D. Cashell,**  
*Acting Secretary.*

[FR Doc. 82-34874 Filed 12-22-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. G-10632-006]

**Northern Illinois Gas Co., Application**

December 17, 1982.

Take notice that on November 12, 1982, Northern Illinois Gas Company (NI-Gas), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632-006<sup>1</sup> an application pursuant to Section 1(c) of the Natural Gas Act for the continued exemption from the provisions of the Natural Gas Act and the Regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

NI-Gas states that it was declared exempt from the provisions of the Natural Gas Act by order issued July 26, 1956, in Docket No. G-10632. This request is filed as a result of NI-Gas' leasing interest in its extensive intrastate storage and related transportation system to its affiliate, Mid-Continent Gas Storage Company (Mid-Continent), which would use the storage and transportation facilities to implement a proposed limited-term storage service for Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), it is explained.

It is stated that NI-Gas and Mid-Continent have entered into a limited-term storage leasing agreement dated September 20, 1982, which permits Mid-Continent to lease an undivided interest in NI-Gas' extensive intrastate storage and transportation system. NI-Gas asserts that during each storage injection period NI-Gas 2,000,000 Mcf of gas. NI-Gas states that it has also agreed to make available or cause to be made available to Mid-Continent aggregate storage withdrawal volumes thermally equivalent to the applicable injection volumes.

<sup>1</sup> These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the Commission.

NI-Gas alleges that its arrangement with Mid-Continent is intended only as a temporary arrangement and is merely an arrangement by which NI-Gas is leasing storage space to Mid-Continent which is providing storage service to Alabama-Tennessee. NI-Gas asserts that by leasing storage capacity to another that it would not be transporting or selling natural gas in interstate commerce.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-34873 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-535-003]

### Texas Eastern Transmission Corp.; Petition To Amend

December 17, 1982.

Take notice that on November 24, 1982, Texas Eastern Transmission Corporation (Petitioner), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP81-535-003 a petition to amend the order issued July 28, 1982, in Docket No. CP81-535-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for Public Service Electric and Gas Company (Public Service), for an extended period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued July 28, 1982, it was authorized to transport up to 50,000 dekatherms (dt) equivalent of natural gas per day that Public Service purchases from its subsidiary, Energy Development Corporation (EDC). Petitioner states that its authority to transport gas for Public Service terminates on January 11, 1983. Petitioner proposes herein pursuant to an amendment to the gas transportation

agreement dated November 11, 1982, to extend the transportation service of up to 50,000 dt equivalent of natural gas per day for Public Service for a limited term commencing upon the date of initial delivery to Petitioner and terminating 6 months from such date. Petitioner also requests herein authority to provide for an additional point of receipt located at Petitioner's meter station 1668 in Beauregard Parish, Louisiana, and additional points of delivery located at Petitioner's existing exchange points with Transcontinental Gas Pipe Line Corporation.

Petitioner states it would charge Public Service its presently applicable Rate Schedule TS-1 basic rate of 50/70 cents per dt equivalent; provided, however, for quantities transported and delivered by Petitioner which, when added to the quantities delivered to Public Service under Petitioner's Rate Schedule TS-1 and SS-II and other transportation agreements, exceed the combined total curtailment of natural gas sales to Public Service under all of Petitioner's firm sales rate schedules, Petitioner would charge Public Service the presently applicable effective Rate Schedule TS-1 excess rate of 60.20 cents per dt equivalent. It is further stated that Petitioner would retain 9 percent of all gas received for transportation from April 16 through November 15 of each year and 15 percent of all gas received for transportation from November 16 through April 15 of each year for shrinkage. Petitioner further proposes that the retention of revenues derived from the transportation service would be subject to Petitioner's pending rate proceeding in Docket No. RP81-109-000.

It is asserted that the proposed service would enable Public Service to continue its purchase of natural gas from EDC and to help fulfill its need for greater natural gas supply. It is explained that this service is subject to interruption and is conditioned upon the availability of sufficient capacity on Petitioner's system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 10, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-34875 Filed 12-22-82; 8:45 am]

BILLING CODE 6717-01-M

### ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51445; TSH FRL 2271-5]

#### Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirty-two PMNs and provides a summary of each.

**DATE:** Close of Review Period:

PMN 83-266, 83-267, 83-268, 83-269, 83-270, 83-271, and 83-272: March 2, 1983.  
PMN 83-273, 83-247, 83-275, 83-276, 83-277, 83-278 and 83-279: March 5, 1983.  
PMN 83-280, 83-281, 83-282, 83-283, 83-284, 83-285, 83-286, 83-287, 83-288, 83-289, 83-290, 83-291 and 83-292: March 6, 1983.  
PMN 83-293, 83-294 and 83-295: March 7, 1983.  
PMN 83-296 and 83-297: March 8, 1983.

Written comments by:

PMN 83-266, 83-267, 83-268, 83-269, 83-270, 83-271 and 83-272: January 31, 1983.  
PMN 83-273, 83-274, 83-275, 83-276, 83-277, 83-278 and 83-279: February 3, 1983.  
PMN 83-280, 83-281, 83-282, 83-283, 83-284, 83-285, 83-286, 83-287, 83-288, 83-289, 83-290, 83-291 and 83-292: February 4, 1983.  
PMN 83-293, 83-294 and 83-295: February 5, 1983.  
PMN 83-296 and 83-297: February 6, 1983.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51445]" and the specific PMN

number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460; (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), office of Toxic Substances, Environmental protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460; (202-382-3729).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the public Reading Room E-107

**PMN 83-266**

*Manufacturer.* Confidential.  
*Chemical.* (G) Poly(oxyalkyl disubstituted silane) alkyl, alkoxy-terminated, polymer with titanium alkoxide.

*Use/Production.* (S) Additive in industrial coatings. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture and processing: dermal, inhalation and eye, a total of 64 workers, up to 12 hrs/da, up to 260 da/yr.

*Environmental Release/Disposal.* No release. Disposal by incineration, land fill and plant waste treatment facility.

**PMN 83-267**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyester from carbomonocyclic anhydrides and substituted alkanediols.

*Use/Production.* Confidential. Prod. range: 10,000-750,000 kg/yr.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture and use: dermal, inhalation and eye, a total of 89 workers, up to 8 hrs/da, up to 250 da/yr.

*Environmental Release/Disposal.* Less than 19 kg/yr released to air and water with greater than 10,000 kg/yr to land. Disposal by incineration and approved landfill.

**PMN 83-268**

*Manufacturer.* Confidential.  
*Chemical.* (G) Azobis-(nitrosulphenyl-alkylsulfobenzene) compound with oxyalkylamine.

*Use/Production.* (S) Colorant for paper. Prod. range: Confidential.

*Toxicity Data.* Acute oral: > 5 g/kg; Acute dermal: 1.53 g/kg; Irritation: Skin-Slight, Eye-Non-irritant; Biodegradation: 25-50% Inhibition level: < 100 mg/l.

*Exposure.* Manufacture, processing, use and disposal: dermal, a total of 10 workers, up to 8 hrs/da, up to 60 da/yr.

*Environmental Release/Disposal.* Confidential. Disposal by incineration.

**PMN 83-269**

*Manufacturer.* Confidential.  
*Chemical.* (G) Substituted naphthalenylazo naphthalenedisulfonic acid salt.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: a total of 2 workers, up to 80 man hrs/yr.

*Environmental Release/Disposal.* No release. Disposal by sewer.

**PMN 83-270**

*Manufacturer.* Confidential.  
*Chemical.* (G) Tetra (substituted sulfonic acid) derivative of transition metal-arylcyanine complex.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* No data submitted on PMN substance.

*Exposure.* Manufacture: a total of 1 worker, up to 225 man hrs/yr.

*Environmental Release/Disposal.* No release. Disposal by sewer.

**PMN 83-271**

*Importer.* Confidential.  
*Chemical.* (G) Hydrocarbon complex with platinum halide.

*Use/Import.* Confidential. Import range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* No exposure.  
*Environmental Release/Disposal.* No release.

**PMN 83-272**

*Manufacturer.* Confidential.  
*Chemical.* (G) Substituted pyridine.  
*Use/Production.* Confidential. Prod. Range: Confidential.

*Toxicity Data.* Acute oral: > 500 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin-Non-irritant, Eye-Slight; Inhalation: Moderate to high; Skin sensitization: Positive.

*Exposure.* Manufacture: workers, up to 30 min/batch.  
*Environmental Release/Disposal.* No release.

**PMN 83-273**

*Manufacturer.* Confidential.  
*Chemical.* (G) Blocked isocyanate.  
*Use/Production.* (S) Site-limited coatings. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* None.  
*Environmental Release/Disposal.* No release.

**PMN 83-274**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polymer of alkane polyols, alkanedioic acids and aromatic polyacid.

*Use/Production.* (S) Site-limited automotive primer. Prod range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* None.  
*Environmental Release/Disposal.* No release. Disposal by incineration and city sewage system.

**PMN 83-275**

*Manufacturer.* Confidential.

*Chemical.* (g) Modified polyisocyanate.

*Use/Production.* (S) Coatings. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* No exposure.  
*Environmental Release/Disposal.* No release.

**PMN 83-276**

*Manufacturer.* Confidential.

*Chemical.* (G) Modified polyisocyanate.

*Use/Production.* (S) Coatings. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* No exposure.  
*Environmental Release/Disposal.* No release.

**PMN 83-277**

*Manufacturer.* Minnesota Mining and Manufacturing Company.

*Chemical.* (S) 2-Oxepanone, polymer with 2,2'-(oxybis(methylene)) bis[2-(hydroxymethyl)-1,3-propanediol].

*Use/Production.* (G) Site-limited intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture and use: a total of 2 workers, up to 8 hrs/da, up to da/yr.

*Environmental Release/Disposal.* Disposal by incineration.

**PMN 83-278**

*Manufacturer.* Minnesota Mining and Manufacturing Company.

*Chemical.* (S) 2-Oxepanone, polymer with 2,2-bis[[3-hydroxy-2,2-bis(hydroxymethyl)propoxy]methyl]-1,3-propanediol.

*Use/Production.* (G) Site-limited intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and use: a total of 2 workers, up to 8 hrs/da, up to 4 da/yr.

*Environmental Release/Disposal.* Disposal by incineration.

**PMN 83-279**

*Manufacturer.* Confidential.  
*Chemical.* (G) Chlorinated, oleated, hydrocarbon polymer.  
*Use/Production.* Confidential. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Minimal to any single individual.  
*Environmental Release/Disposal.* Release only by accidental spill.

**PMN 83-280**

*Manufacturer.* Confidential.  
*Chemical.* (G) 2-Anthracenesulfonic acid, 1-amino-9,10-dihydro-9,10-dioxo-4-[[substituted phenyl]amino]-.  
*Use/Production.* (S) Site-limited intermediate. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture: dermal, a total of 12 workers, up to 4 hrs/da, up to 19 da/yr.  
*Environmental Release/Disposal.* No release.

**PMN 83-281**

*Manufacturer.* Confidential.  
*Chemical.* (G) Benzenesulfonamide salt.  
*Use/Production.* Confidential. Prod. range: Confidential.  
*Toxicity Data.* Acute oral: >5,000 mg/kg; Acute dermal: >5,000 mg/kg; Irritation: Skin—Slight, Eye—Slight; Inhalation: No adverse effects.  
*Exposure.* Dermal and inhalation, a total of 25 workers, up to 2 hrs/da, up to 100 da/yr.  
*Environmental Release/Disposal.* Disposal by incineration, and waste water treatment.

**PMN 83-282**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyester based complex alkanediol.  
*Use/Production.* (G) Open use. Prod. range: 0-1,500,000 kg/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture, processing and use: dermal, inhalation, and eye, a total of 156 workers, up to 8 hrs/da, up to 240 da/yr.  
*Environmental Release/Disposal.* Less than 10 kg/yr released to air and water with more than 10,000 kg/yr to land. Disposal by incineration.

**PMN 83-283**

*Manufacturer.* Confidential.  
*Chemical.* (G) Substituted cyclosiloxane.  
*Use/Production.* (S) Site-limited chemical intermediate. Prod. range: Confidential.  
*Toxicity Data.* mg Oxygen per mg PMN substance-2.2; Biooxidation, % of COD: Day 5—<5, Day 10—<10, Day

20—10; LC<sub>50</sub>, 24 hr. (fathead minnows)—>1,000 mg/l.

*Exposure.* Manufacture and processing: dermal, inhalation and eye, a total of 4 workers/shift, 2 shifts/da, up to 8 hrs/da, up to 12 da/yr.

*Environmental Release/Disposal.* Release is minimal. Disposal by plant waste treatment facility.

**PMN 83-284**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyester polyol.  
*Use/Production.* (S) Additive for preparation of coatings, adhesives and cast polyurethane elastomer's. Prod. range: Confidential.  
*Toxicity Data.* Acute oral: >5.0 g/kg; Acute dermal: >16.0 gm/kg; Irritation: Eye—None; Inhalation: 8 hrs, killed 0 of 6.  
*Exposure.* Manufacture and processing: dermal, a total of 10 workers, up to 12 hrs/da, up to 30 da/yr.  
*Environmental Release/Disposal.* No release. Disposal by incineration.

**PMN 83-285**

*Manufacturer.* FMC Corporation.  
*Chemical.* (G) Phosphate ester.  
*Use/Production.* (G) Flame retardant plasticizer. Prod. range: Confidential.  
*Toxicity Data.* Acute oral: >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.  
*Exposure.* Manufacture: dermal, minimal.  
*Environmental Release/Disposal.* Minimal release. Disposal by biological treatment system.

**PMN 83-286**

*Manufacturer.* Witco Chemical Corporation.  
*Chemical.* (G) 1,1-dimethyl ethyl peroxyester.  
*Use/Production.* (S) Replacement for an existing peroxyester. Prod. range: 3,000-60,000 lbs/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* Negligible.  
*Environmental Release/Disposal.* No release. Disposal by publicly owned treatment works (POTW) and approved landfill.

**PMN 83-287**

*Manufacturer.* Witco Chemical Corporation.  
*Chemical.* (G) 1,1-dimethylpropyl peroxyester.  
*Use/Production.* (S) Replacement for an existing peroxyester. Prod. range: 4,000-65,000 lbs/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* Negligible.  
*Environmental Release/Disposal.* No release. Disposal by POTW and approved landfill.

**PMN 83-288**

*Manufacturer.* Witco Chemical Corporation.  
*Chemical.* (G) 1-methyl-1-phenyl ethyl peroxyester.  
*Use/Production.* (S) Replacement for an existing peroxyester. Prod. range: 4,000-65,000 lbs/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* Negligible.  
*Environmental Release/Disposal.* No release. Disposal by POTW and approved landfill.

**PMN 83-289**

*Importer.* Mac Dermid, Incorporate.  
*Chemical.* (S) Copolymer from acrylonitrile, styrene and p-isopropenylphenol.  
*Use/Import.* Confidential. Import range: 100-10,000 kg/yr.  
*Toxicity Data.* Acute oral: >5 g/kg; Acute Toxicity, 48 hr.: >100 parts per million (ppm) irritation; Ames Test: Non-mutagenic.  
*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**PMN 83-290**

*Manufacturer.* Confidential.  
*Chemical.* (G) Asphalt styrenated resin.  
*Use/Production.* Confidential. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Dermal.  
*Environmental Release/Disposal.* Minimal release to land.

**PMN 83-291**

*Manufacturer.* National Starch & Chemical Corporation.  
*Chemical.* (G) Vinyl copolymer.  
*Use/Production.* (S) Dispersant for inorganic particulates. Prod. range: 175,000-225,000 lbs/yr.  
*Toxicity Data.* No data submitted.  
*Exposure.* Minimal.  
*Environmental Release/Disposal.* Minimal release. Disposal by POTW.

**PMN 83-292**

*Manufacturer.* Confidential  
*Chemical.* (G) N-substituted-N-mixed alkyloxypropylmaleamic acid derivatives.  
*Use/Production.* (G) Open use. Prod. range: Confidential.  
*Toxicity Data.* Acute oral: >5.0 g/kg; Acute dermal: <2.0 g/kg; Irritation: Skin—Non-irritant.  
*Exposure.* Manufacture and processing: dermal, a total of 6 workers, up to 2 hrs/da, up to 12 da/yr.  
*Environmental Release/Disposal.* Negligible.

## PMN 83-293

*Importer.* Confidential  
*Chemical.* (S) Hydrogenated acrylonitrile-butadiene copolymer (H-NBR).

*Use/Import.* (S) Industrial oil resistance rubber parts. Import range: 100-1,000,000 kg/yr.

*Toxicity Data.* Mutation examination in salmonella typhimurium and escherichia coli—None; TLM, 48 hrs (killfish): 250 ppm.

*Exposure.* Processing, use and disposal: dermal, a total of 50 workers, up to 5 hrs/da, up to 200 da/yr.

*Environmental Release/Disposal.* 1,000-10,000 kg/yr released to land.

## PMN 83-294

*Manufacturer.* Confidential.  
*Chemical.* (G) Organophosphorous compound.

*Use Production.* (G) Destructive. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >5,000 mg/kg—males; 4,173 mg/kg—females Acute dermal: >2,000 mg/kg; Irritation: Skin—Mild, Eye—Moderate.

*Exposure.* Confidential.

*Environmental Release/Disposal.* No release. Disposal by incineration or deep well injection.

## PMN 83-295

*Manufacturer.* Confidential.  
*Chemical.* (G) Oganosulfur compound.  
*Use/Production.* (G) Destructive. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* No release. Disposal by incineration or deep well injection.

## PMN 83-296

*Manufacturer.* Confidential.  
*Chemical.* (G) Rosin metallic salt.

*Use/Production.* (S) Industrial publication gravure printing inks. Prod. range: Confidential.

*Toxicity Data.* No data submitted on the PMN substance.

*Exposure Manufacture:* dermal, a total of 2 workers, up to 2 hrs/da, up to 62 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air, water and land.

## PMN 83-297

*Importer.* Confidential.  
*Chemical.* (G) (Substituted) anthracenylimino-(substituted) carbomonocyclic acid alkylamine salt.

*Use/Import.* (S) Open use. Import range: Confidential.

*Toxicity Data.* Acute oral: >8,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

*Exposure.* Dermal and inhalation, minimal.

*Environmental Release/Disposal.* Less than 10 kg/yr released.

Dated: December 10, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-34421 Filed 12-22-82; 8:45 am]

BILLING CODE 6560-50-M

## (SAB-FRC 2273-3)

## Science Advisory Board; Closed Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of an ad-hoc Subcommittee of the Science Advisory Board will be held in Washington, D.C. January 14, 1983 to determine the recipients of the Agency's 1982 Scientific and Technological Achievement Cash Awards. These awards are established to give honor and recognition to EPA employees who have made outstanding contributions in the advancement of science and technology through their research and development activities, and who have published their results in peer reviewed journals.

Pursuant to section 10(d) of the U.S.C. Appendix 1 and 5 U.S.C 522(c), I hereby determine that this meeting is concerned with information exempt from disclosure, and that the public interest requires that this meeting be closed.

In selecting the recipients for the awards, and in determining the actual cash amount of each award, the Agency requires full and frank advice from the Science Advisory Board. This advice will involve professional judgments on those employees whose published research results are deserving of a cash award as well as those that are not. In addition, the Board will advise on the amount of money to be allocated for each award. Discussion of such a personal nature, where disclosure would constitute an unwarranted invasion of personal privacy, are exempted under Section 10(d) of Title 5, U.S. Code, Appendix 1. In accordance with the provisions of the Federal Advisory Committee Act, minutes of the meeting will be kept for Agency and Congressional review.

The Science Advisory Board shall be responsible for maintaining records of the meeting, and for providing an annual report setting forth a summary of the meeting consistent with the policy of U.S.C. Appendix 1, section 10(d).

Dated: December 17, 1982.

Anne M. Gorsuch,  
 Administrator.

[FR Doc 82-34806 Filed 12-22-82; 8:45 am]

BILLING CODE 6560-50-M

## [ER-FRL-2274-2]

## Agency Statements

Availability of Environmental Impact Statements Filed December 13 Through December 17, 1982, Pursuant to 40 CFR Part 1506.9

**RESPONSIBLE AGENCY:** Office of Federal activities, General Information 382-5075 or 382-5076

Corps of Engineers:

EIS No. 820802, Final, COE, SEV, MO, NB, MS, IA, Missouri River Bank Stabilization/Navigation/Mitigation, Due: Jan. 24, 1983.

EIS No. 820805, DSUpl, DOE, NY, Ellicott Creek Flood Control Management Plan, Erie County, Due: Feb. 7, 1983.

EIS No. 820797, Report, DOE, TX, Corpus Christi Ship Channel, Dredging, Disposal Site Designation.

Department of Transportation:

EIS No. 820796, Final, FHW, CI, CT-34 Corridor Competition, R. C. Lee Highway to CT-34, New Haven Co., Due: Jan. 24, 1983.

EIS No. 820800, Final, FHW, ID, ID-55/McCall—New Meadows Highway Upgrading, Valley and Adams Counties, Due: Jan. 24, 1983.

EIS No. 820801, Final, FHW, MA, MA-2 Relocation, Millers Falls to I-495, Franklin County, Due: Jan. 24, 1983.

EIS No. 820798, DSUpl, FHW, MN, Juan Tabo Extension, Wagon Train Dr. to Central Ave., Fernalillo Co. Due: Feb. 7, 1983.

Department of Agriculture:

EIS No. 820795, Draft, AFS, CO Routh National Forest Land and Resource Management Plan, Due: Mar. 25, 1983.

Department of Defense, Navy

EIS No. 820803, Draft, USN, SEV, DC, MD, VA, Navy Personnel Consolidation, National Capital Region, Due: Feb. 7, 1983.

Amended Notices:

EIS No. 770289, Draft, FHW, PA, Vine Street Improvement, I-76 to I-95, Philadelphia County \*Published FR March 1977—Officially withdrawn.

EIS No. 820766, Draft, FHW, IL, North End Bridge Construction, Big Timber Rd. to Summit St., Kane Co. \*Published FR 12/08/82—Officially retracted due to noncompletion of distribution.

EIS No. 820773, Final, FHW, IA, Hachett Road Bypass, Black Hawk Rd to Rainbow Dr/I-380, Black Hawk Co., \*Published FR 12/08/82—Incorrect State, Due: Jan. 7, 1983.

EIS No. 820889, Draft, BLM, UT, Henry Mountain Livestock Grazing Mgmt. Plan, Wayne/Garfield/Kane Cos. \*Published FR 10/29/82—Review extended, Due: Feb. 28, 1983.\*

EIS No. 820573, Draft, BLM, CA, California Desert Plan and Eastern San Diego Co. Mgmt. Framework Plan, \*Published FR 09/10/82—Review extended, Due: Jan. 10, 1983.\*

Dated: December 20, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-34832 Filed 12-22-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51446; BH-FRL 2273-8]

### Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-three PMNs and provides a summary of each.

**DATES:** Close of Review Period:

PMN 83-298, 83-299, 83-300, 83-301, 83-302, 83-303, 83-304, 83-305, 83-306, 83-307, 83-308, 83-309 and 83-310—March 9, 1983

PMN 83-311—March 12, 1983

PMN 83-312, 83-313, 83-314 and 83-315—March 13, 1983

PMN 83-316 and 83-317—March 14, 1983  
PMN 83-318, 83-319 and 83-320—March 15, 1983

Written comments by:

PMN 83-298, 83-299, 83-300, 83-301, 83-302, 83-303, 83-304, 83-305, 83-306, 83-307, 83-308, 83-309 and 83-310—February 7, 1983

PMN 83-311—February 10, 1983

PMN 83-312, 83-313, 83-314 and 83-315—February 11, 1983

PMN 83-316 and 83-317—February 12, 1983

PMN 83-318, 83-319 and 83-320—February 13, 1983

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51446]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

### FOR FURTHER INFORMATION CONTACT:

Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

#### PMN 83-298

**Manufacturer.** Sun Refining and Marketing Company.

**Chemical.** (G) Toluene alkylate.

**Use/Production.** (S) Intermediates in the manufacture of surfactants for enhanced crude oil recovery from oils fields. Prod. range: Confidential.

**Toxicity Data.** Acute oral: >5.0 g/kg; Acute dermal: <2.0 g/kg Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Positive.

**Exposure.** Manufacture: inhalation, a total of 9 workers, up to 24 hrs/da.

**Environmental Release/Disposal.** Less than 10 kg/yr released to air and land with 100/1,000 kg/yr to water. Disposal by approved landfill.

#### PMN 83-299

**Manufacturer.** Sun Refining and Marketing Company

**Chemical.** (G) Toluene alkylate.

**Use/Production.** (S) Intermediates in the manufacture of surfactants for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

**Toxicity Data.** Acute oral: >5.0 g/kg; Acute dermal: <1.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Positive.

**Exposure.** Manufacture: inhalation, a total of 9 workers, up to 24 hrs/da.

**Environmental Release/Disposal.** Less than 10 kg/yr released to air and land with 100-1,000 kg/yr to water. Disposal by approved landfill.

#### PMN 83-300

**Manufacturer.** Sun Refining and Marketing Company.

**Chemical.** (G) Dialkyl benzene.

**Use/Production.** (S) Intermediates in the manufacture of surfactants for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

**Toxicity Data.** Acute oral: 5.0 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Positive.

**Exposure.** Manufacture: inhalation, a total of 9 workers, up to 24 hrs/da.

**Environmental Release/Disposal.** Less than 10 kg/yr released to air and land with 100-1,000 kg/yr to water. Disposal by approved landfill.

#### PMN 83-301

**Manufacturer.** Sun Refining and Marketing Company.

**Chemical.** (G) Dialkyl benzene.

**Use/Production.** (S) Intermediates in the manufacture of surfactants for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

**Toxicity Data.** Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Positive.

**Exposure.** Manufacture: inhalation, a total of 9 workers, up to 24 hrs/da.

**Environmental Release/Disposal.** Less than 10 kg/yr released to air and land with 100-1,000 kg/yr to water. Disposal by approved landfill.

#### PMN 83-302

**Manufacturer.** Sun Refining and Marketing Company.

**Chemical.** (G) Alkyl benzene.

**Use/Production.** (S) Intermediates in the manufacture of surfactants for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

**Toxicity Data.** Acute oral: 5.0 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—Nonirritant, Eye—Non-irritant; Ames Test: Positive.

**Exposure.** Manufacture: inhalation, a total of 9 workers, up to 24 hrs/da.

**Environmental Release/Disposal.** Less than 10 kg/yr released to air and land with 100-1,000 kg/yr to water. Disposal by approved landfill.

#### PMN 83-303

**Manufacturer.** Confidential.

**Chemical.** (S) Polymer of: trimethyl pentane diol, adipic acid and phthalic anhydride.

**Use/Production.** (G) Open use. Prod. range: 20,000-100,000 kg/yr.

**Toxicity Data.** No data on the PMN substance.

**Exposure.** Manufacturer and disposal: dermal and inhalation, a total of 11 workers, up to 8 hrs/da, up to 40 da/yr.

**Environmental Release/Disposal.** Less than 10 kg/yr released to air, 12 hrs/da, 40 da/yr. Disposal by approved landfill.

#### PMN 83-304

**Importer.** Amchem Products, Incorporate.

**Chemical.** (S) Bis (benzylthioureidoethyl)-dithio carbamic acid-s-propylester- $\omega$ -sulfonic acid sodium.

**Use/Import.** (S) Industrial brightener for cooper. Import range: 0-100 kg/hr.

*Toxicity Data.* Acute oral: 5,000 mg/kg.

*Exposure.* Processing: dermal and inhalation a total of 1 worker, less than 1 hr/da, up to 3 da/yr.

*Environmental Release/Disposal.* No release. Disposal by publicly owned treatment works (POTW).

**PMN 83-305**

*Manufacturer.* Thiokol Corporation.

*Chemical.* (G) Urethane polyester prepolymer acrylate capped.

*Use/Production.* (S) Industrial base for UV cured coatings. Prod. range: 20,000-300,000 kg/yr.

*Toxicity Data.* Acute oral: >5 gm/kg; Skin—Not an irritant, Eye—Not an irritant.

*Exposure.* Manufacture, processing and disposal: dermal, a total of 12 workers, up to 3 hrs/da, up to 4 da/yr.

*Environmental Release/Disposal.* 1000-10,000 to released to land. Disposal by incineration, approved landfill and on site deep well injections.

**PMN 83-306**

*Manufacturer.* Sun Refining and Marketing Company.

*Chemical.* (G) Poly alkyl benzene sulfonate.

*Use/Production.* (S) Surfactant for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >5.0 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—>2.71, Eye—Irritant; Ames Test: Non-mutagenic.

*Exposure.* No exposure.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and land with more than 10,000 kg/yr to water. Disposal by POTW.

**PMN 83-307**

*Manufacturer.* Sun Refining and Marketing Company.

*Chemical.* (G) Poly alkyl benzene sulfonate.

*Use/Production.* (S) Surfactant for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—>2.71, Eye—Irritant; Ames Test: Non-mutagenic.

*Exposure.* No exposure.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and land with more than 10,000 kg/yr to water, 24 hrs/da, 330 da/yr. Disposal by POTW.

**PMN 83-308**

*Manufacturer.* Sun Refining and Marketing Company.

*Chemical.* (G) Poly alkyl benzene sulfonate.

*Use/Production.* (S) Surfactant for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—>2.71, Eye—Irritant; Ames Test: Non-mutagenic.

*Exposure.* No exposure.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and land with more than 10,000 kg/yr to water, 24 hrs/da, 330 da/yr. Disposal by POTW.

**PMN 83-309**

*Manufacturer.* Sun Refining and Marketing Company

*Chemical.* (G) Poly alkyl benzene sulfonate.

*Use/Production.* (S) Surfactant for enhanced crude oil recovery from oil fields. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >5.0 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—>2.71, Eye—Irritant; Ames Test: Non-mutagenic.

*Exposure.* No exposure.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and land with more than 10,000 kg/yr to water, 24 hrs/da, 330 da/yr. Disposal by POTW.

**PMN 83-310**

*Manufacturer.* Sun Refining and Marketing Company.

*Chemical.* (G) Benzene alkyl sulfonate.

*Use/Production.* (S) Surfactant for enhanced crude oil recovery from oil fields. Prod. range: Confidential

*Toxicity Data.* Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—>2.17, Eye—Irritant; Ames Test: Non-mutagenic.

*Exposure.* No exposure.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and land with more than 10,000 kg/yr to water, 24 hrs/da, 330 da/yr. Disposal by POTW.

**PMN 83-311**

*Manufacturer.* U.S. Polymeric.

*Chemical.* (S) 3-dimethylureidylmethyl-3,5,5-trimethylcyclohexyl dimethyl urea.

*Use/Production.* (S) Site-limited catalyst for epoxy resin. Prod. range: 48-960 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, processing, use and disposal: dermal, a total of 13 workers, up to 2 hrs/da, up to 25 da/yr.

*Environmental Release/Disposal.* No release.

**PMN 83-312**

*Manufacturer.* Confidential.

*Chemical.* (G) Aromatic aliphatic branched polyester resin.

*Use/Production.* (G) Open use. Prod. range: 10,000-80,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* No exposure.

*Environmental Release/Disposal.* Less than 5,000 kg/yr released. Disposal by incineration.

**PMN 83-313**

*Manufacturer.* Confidential.

*Chemical.* (G) Polymer of alkane polyols, alkane dioic acid and aromatic acid.

*Use/Production.* (S) Site-limited coatings. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* None.

*Environmental Release/Disposal.* No release. Disposal by incineration and sewage system.

**PMN 83-314**

*Manufacturer.* Confidential.

*Chemical.* (G) Ester of aromatic acids and aliphatic polyols.

*Use/Production.* (S) Site-limited and industrial intermediate used in metal coating. Prod. range: 10,000-500,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, use, and disposal: dermal, a total of 12 workers, up to 2 hrs/da, up to 55 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to land. Disposal by incineration and approved landfill.

**PMN 83-315**

*Manufacturer.* Confidential.

*Chemical.* (G) 2-Substituted propanoic acid.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >500 mg/kg; Acute dermal: >1,000 mg/kg; Irritation: Skin—Mild, Eye—Severe; Skin sensitization: No response.

*Exposure.* Manufacture: a total of 2 workers, 30 min/batch.

*Environmental Release/Disposal.* Disposal in accordance with all applicable regulations.

**PMN 83-316**

*Manufacturer.* Confidential.

*Chemical.* (G) Modified ethylene-chlorotrifluoroethylene polymer.

*Use/Production.* (G) Open use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, processing and disposal: dermal.

*Environmental Release/Disposal.* Greater than 1,000 kg/yr released to

land. Disposal by biological treatment system and approved landfill.

**PMN 83-317**

*Manufacturer.* Confidential.  
*Chemical.* (G) Modified polyester polyurethane from substituted alkanediols, alkanedioic acid and a diisocyanate.

*Use/Production.* (S) UV curable urethane coating. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture and use: dermal, a total of 8 workers, up to 4 hrs/da, up to 260 da/yr.

*Environmental Release/Disposal.* Less than 10 kg released to air with 1,000-10,000 kg/yr to land. Disposal by approved landfill.

**PMN 83-318**

*Manufacturer.* Confidential.  
*Chemical.* (G) Acrylic copolymer of styrene and methacrylate monomers.

*Use/Production.* (G) Open use. Prod. range: 50,000-150,000 kg/yr.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture, processing and use: dermal, inhalation and eye, a total of 120 workers, up to 8 hrs/da, up to 250 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and water with 100 to more than 10,000 kg/yr to land. Disposal by incineration.

**PMN 83-319**

*Manufacturer.* Confidential.  
*Chemical.* (G) Modified alkyd polymer from mixed fatty oils, carbomonocyclic anhydride, carbomonocyclic acid and a substituted alkane diol.

*Use/Production.* (G) Open use. Prod. range: 20,000-500,000 kg/yr.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture, processing and use: dermal, inhalation and eye, a total of 111 workers, up to 8 hrs/da, up to 240 da/yr.

*Environmental Release/Disposal.* Less than 10 kg/yr released to air and water with 100 to more than 10,000 kg/yr to land. Disposal by incineration.

**PMN 83-320**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polymeric acrylates.  
*Use/Production.* (S) Coatings intermediate. Prod. range: Confidential.  
*Toxicity Data.* Acute oral: 1.35 ml/kg; Acute dermal: 1.68 ml/kg; Eye irritation: Minor.

*Exposure.* Manufacture: dermal, a total of 10 workers, up to 12 hrs/da, up to 30 da/yr.

*Environmental Release/Disposal.* Release is minimal. Disposal by incineration.

Dated: December 17, 1982.

Woodson W. Bercaw,  
Acting Director, Management Support  
Division.

[FR Doc. 82-34807 Filed 12-22-82; 8:45 am]  
BILLING CODE 6560-50-M

**[OPTS-59112; BH-FRL 2273-7]****Certain Chemicals; Premanufacture Exemption Applications**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the Federal Register of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

**DATE:** Written comments by January 7, 1983.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-59112]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMSs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

**TME 83-16**

*Close of Review Period.* January 27, 1983.

*Manufacturer.* Confidential.  
*Chemical.* (G) Substituted polyalkylene glycol quaternary ammonium chloride.

*Use/Production.* Confidential. Prod. range: Confidential.

*Toxicity Data.* Acute oral: Not relatively toxic based on range finding work; Acute dermal: >2.0 g/kg; Skin irritation: Mild; Eye irritation: Mild to moderate (irrigated), severe (nonirrigated).

*Exposure.* Manufacturer: A total of 35 workers, up to 8 hrs/da, up to 14 da; Use: 2-4 workers per site, up to 2 hrs/da, up to 10 da/site.

*Environmental Release/Disposal.* No release. Disposal by recovery.

**TME 83-17**

*Close of Review Period.* January 29, 1983.

*Manufacturer.* Confidential.  
*Chemical.* (G) Modified copolymer of alkenoic esters and substituted alkenoic esters with styrene.

*Use/Production.* (G) Open use will release more than 50 but less than 500 kg per yr to environment. Prod. range: 1 Yr.—minimum 750 kg, maximum 7,850 kg.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacturer—dermal and eye, a total of 27 workers, up to 6 hrs/da, up to 10 da/yr; Processing—dermal and eye, maximum of 4 workers, up to 6 hrs/da, 10 da/yr; Use—dermal and eye, maximum of 15 workers, 3 hr/da, 250 da/yr.

*Environmental Release-Disposal.* Less than 10 kg/yr released to air and water; 10-100 kg/yr to land. Disposal by incineration and recovery.

Dated: December 17, 1982.

Woodson W. Bercaw,  
Acting Director, Management Support  
Division.

[FR Doc. 82-34808 Filed 12-22-82; 8:45 am]  
BILLING CODE 6560-50-M

**[ARP-FRL-2245-6]****Federal Radiation Protection Guidance for Public Exposure to Radiofrequency Radiation**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Advance Notice of Proposed Recommendations (ANPR).

**SUMMARY:** We intend to develop radiation protection guidance for use by Federal Agencies to limit exposure of the general public to radiofrequency radiation. The guidance will not address occupational exposure or classes of sources that can be more easily

controlled through product performance standards. We plan to publish a Notice of Proposed Recommendations (NPR) in late 1983 and will invite public comments and announce details of public hearings then.

**DATES:** Comments regarding this ANPR must be received by February 22, 1983, in order to be considered by EPA in developing these recommendations.

**ADDRESSES:** Communications concerning this ANPR should be addressed to the Central Docket Section, Docket A-81-43, Mail Code A-130, U.S. Environmental Protection Agency, West Tower Lobby, Gallery 1, 401 M Street, SW, Washington, DC 20460.

The materials submitted in response to this Advance Notice of Proposed Recommendations may be reviewed between 8:00 AM and 4:00 PM, Monday through Friday. A reasonable fee may be charged for copies.

**FOR FURTHER INFORMATION CONTACT:** Norbert N. Hankin, Office of Radiation Programs (ANR-461), U.S. EPA, 401 M Street, SE, Washington, DC 20460, telephone (703) 557-7390.

#### **SUPPLEMENTARY INFORMATION:**

##### **Introduction**

We intend to develop guidance for Federal agencies to limit exposure of the public to radiofrequency (RF) radiation. Federal radiation protection guides will be developed by EPA under authority of 42 U.S.C. 2021(h), transferred to the Environmental Protection Agency (EPA) by Reorganization Plan No. 3 of 1970. The guidance will not include occupational exposure or apply to consumer products that can more easily be controlled through product performance standards.

The continuing and rapidly increasing number of radiofrequency radiation sources in communications, transportation, defense, industry, consumer products, security, and medical applications has produced a radiofrequency radiation environment to which the entire population is continuously exposed, has increased the magnitude of environmental levels to which members of the public are exposed, and has increased the number of persons exposed to higher environmental levels. Biological effects can be induced in animals exposed to radiofrequency radiation at exposure intensities that, while not generally characteristic, do exist in the general environment.

While there is a Federal standard for occupational exposure to RF radiation (29 CFR 1910.97) and a product performance standard to control leakage of radiation from microwave ovens (21

CFR 1020.10), there is no general Federal standard or guide for limiting public exposure to radiofrequency radiation.

##### **Types of Exposure**

Exposure of the public to radiofrequency radiation can be divided into two broad categories. Most people are exposed far from individual sources and live in a complex radiofrequency environment produced by the superposition of electromagnetic fields from many sources operating at different frequencies and with various modulations. The second exposure category consists of people exposed very close to one strong source of radiation. We have extensively studied the multisource, multifrequency general radiofrequency environment. Sources with frequencies between 0.535 Megahertz (MHz) and 1.605 MHz (AM radio) and between 54 MHz and 806 MHz (FM radio and VHF and UHF-TV) are the principal contributors to the general radiofrequency environment. The general radiofrequency environment at broadcast frequencies has been measured at 486 sites in 15 urban areas. From these studies, we have estimated the distribution of exposure rates for more than 44 million people living in these cities. The estimates use census data and represent residential exposures, not occupational or workplace exposures.

The result of the study to estimate residential exposure is that over 99 percent of the total population of the 15 cities in which measurements were made is exposed to a total power density of less than 1 microwatt per square centimeter ( $\mu\text{W}/\text{cm}^2$ ) at AM and FM-TV frequencies. The estimated median residential exposure, the maximum exposure for 50 percent of the population of these cities, is  $0.005 \mu\text{W}/\text{cm}^2$  at FM radio and TV frequencies and  $0.019 \mu\text{W}/\text{cm}^2$  at AM radio frequencies. For frequencies above 806 MHz, we estimate that residential exposures are much less than  $1 \mu\text{W}/\text{cm}^2$  for most of the population. Negligible amounts of other frequencies are found in the general radiofrequency environment.

The second kind of exposure occurs so close to a particular source that the radiofrequency environment is dominated by that source. Exposure rates close to high-power transmitters can be considerably higher than those in the general radiofrequency environment. High-power sources include narrow-beam or directional sources such as radar systems and satellite communications systems, as well as the more omnidirectional radio and television broadcast sources. Measurements made at locations close

to FM radio broadcast antennas have shown the existence of exposure power density levels as great as  $350 \mu\text{W}/\text{cm}^2$  in a residential neighborhood,  $97 \mu\text{W}/\text{cm}^2$  in a tall office building, and about  $5000 \mu\text{W}/\text{cm}^2$  in localized areas. Exposure of persons to power densities in the range from 10 to  $100 \mu\text{W}/\text{cm}^2$  can occur at distances up to 0.5 miles from some radar systems and satellite communication earth terminals.

##### **Biological Effects of Radiofrequency Radiation**

The Agency is preparing a critical and comprehensive review of the literature on the biological effects of radiofrequency radiation. This review will consider: thermal physiological effects, cardiovascular system effects, cellular and subcellular effects, hematological and immunological effects, reproductive effects, nervous systems effects, behavioral effects, special sensory effects, metabolic effects, genetic effects, life span and carcinogenic effects, and human epidemiological studies. We intend to consider the following the establishing exposure limits: (1) Mechanisms of interactions of radiofrequency radiation with biological systems, (2) possible thresholds for effects, (3) reversibility of biological effects, (4) dependence of effects on duration of exposure, and (5) whether biological effects adversely affect human health.

Continuous exposure to high levels causes temperature increases that are injurious. The threshold for cataract production in humans is thought to be above 100 milliwatts per square centimeter ( $\text{mW}/\text{cm}^2$ ,  $1 \text{ mW}/\text{cm}^2 = 1000 \mu\text{W}/\text{cm}^2$ ) for exposure durations of more than a few hours. Heat exhaustion may occur for extended exposure above  $30 \text{ mW}/\text{cm}^2$  at certain frequencies. Muscle tissue in humans can be damaged by temperatures produced by exposure to  $10 \text{ mW}/\text{cm}^2$  for several hours at body resonance frequencies. Effects related to external energy input have been observed without detectable increases in temperature. It is predicted that the thermoregulatory response in humans could be activated at exposures much less than  $10 \text{ mW}/\text{cm}^2$  for exposures near body resonant frequencies of 80 MHz. Whether or not this effect can pose a health risk needs to be determined.

Based on studies of occupationally exposed people, many investigators, especially those in the Soviet Union, Poland, and Czechoslovakia, have reported effects, principally behavioral and nervous system effects, at exposure levels less than  $1 \text{ mW}/\text{cm}^2$ . Their limited clinical data suggests that these effects

are reversible when given a respite from exposure to radiation. It is not known whether the long term, low-level exposures received by the general population can lead to irreversible adverse health effects, overt clinical disease, or whether adaptation can occur.

#### Existing Standards

Exposure standards for radiofrequency radiation are usually expressed in terms of the rate at which energy flows through a given cross-sectional area. This rate is called power density and is commonly expressed in units of milliwatts (mW) or microwatts ( $\mu$ W) per square centimeter ( $\text{cm}^2$ ).

Occupational exposure standards in most Western countries, which range from 1 mW/cm<sup>2</sup> to 10 mW/cm<sup>2</sup>, limit the amount of heat generated when radiofrequency radiation is absorbed in human tissue. Most of these standards contain no special provisions for exposure of the public. However, Canada has proposed to limit exposure of the public to one-tenth of its occupational exposure limit of 10 mW/cm<sup>2</sup>.

Eastern European countries (e.g., USSR, Poland, and Czechoslovakia) have lower exposure standards for most occupational situations; for example 0.01 mW/cm<sup>2</sup> for microwave frequencies. Exposure standards for the public at these frequencies are even lower, i.e., 0.005 mW/cm<sup>2</sup> in the USSR. These Eastern European standards are based on behavioral and clinical studies that, for the most part, have not been repeated or replicated elsewhere.

In 1971, the Occupational Safety and Health Administration (OSHA) adopted the 1966 version of the American National Standards Institute (ANSI) 10 mW/cm<sup>2</sup> occupational RF radiation exposure standard to protect workers.<sup>1</sup> More recently, ANSI has proposed a reduction of this standard to 1 mW/cm<sup>2</sup> for radio frequencies between 30 and 300 MHz.

#### Public Comment

1. The Agency plans to publish a Notice of Proposed Recommendations in late 1983 and will announce a schedule of public hearings. This Advance Notice of Proposed Recommendations invites comments on the scope of the recommendations. We specifically request comment on the following:

1. What conceptual approach should be used to develop limits for exposure?

<sup>1</sup> ANSI is a nongovernmental organization which coordinates voluntary standards for use in the private sector. ANSI standards are developed by consensus and are intended as guides to aid the manufacturer, the consumer, and the general public.

Examples of some possible approaches for establishing exposure limits include:

- (a) Threshold for biological effects.
  - (b) As low as reasonably achievable.
  - (c) Limit risk to a level comparable with that for other environmental pollutants.
  - (d) Use of best available or best achievable technology.
2. What range of frequencies should be included in the guidance?
  3. Should different guidance be developed for partial-body and whole-body exposure?
  4. Should the exposure limits take into account the fact that the rate of energy absorption varies with frequency?
  5. Should limits be placed on maximum as well as average exposure?
  6. Should limits be placed on instantaneous as well as time-averaged specific absorption rates?

We would appreciate comments on these questions and identification of other issues that should be considered in the development of this Guidance.

Dated: October 26, 1982.

Kathleen M. Bennett,  
Assistant Administrator for Air, Noise, and Radiation.

[FR Doc 82-34831 Filed 12-22-82; 8:45 am]  
BILLING CODE 6560-50-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### RCA American Communications, Inc., Revisions to Tariff FCC No. 1; Memorandum Opinion and Order, Instituting Investigation

[CC Docket No. 82-166; Transmittal No. 418]

Adopted: December 9, 1982.

Released: December 14, 1982.

1. Before the Bureau is a petition filed by Warner Amex Satellite Entertainment Company (Warner Amex) seeking to supersede and investigate the above-captioned tariff revisions filed by RCA American Communications, Inc. (RCAA).<sup>1</sup> These revisions, scheduled to become effective December 14, 1982, would offer leased preemptible satellite transponder service. For reasons discussed below, we decline to suspend the proposed revisions. We will, however, consolidate these revisions into the investigation in Docket No. 82-166.<sup>2</sup>

2. RCAA currently offers three classes of leased transponder services: "Fixed Term Transponder Service-1983 Term,"

<sup>1</sup> Also before the Bureau are Opposition to Warner Amex's petition filed by Spanish International Network (SIN) and a "reply" filed by RCAA.

<sup>2</sup> See RCA American Communications, Inc., 89 FCC 2d 1070 (1982).

"Fixed Term Transponder Service-1988 Term" and "Fixed Rate 1989 Term Transponder Service" (Fixed Rate Service). Under the terms of the current tariff, both Fixed Term Services are available only to those customers who began to receive service prior to March 27, 1982. These customers also are entitled to choose among three grades of service protection: protected, unprotected and preemptible.<sup>3</sup> For customers taking service after March 27, 1982, only Fixed Rate Service is available. This service requires a uniform charge of \$13 million for a lease term beginning with the commencement of service on the Cable Net II satellite and terminating on December 31, 1989. Although Fixed Rate service was initially provided on a preemptible basis, it will, according to RCAA, be upgraded to unprotected status by approximately January 1983 and to protected status by approximately June 1983. By order of the Commission, this offering is under investigation in Docket No. 82-166.<sup>4</sup>

3. In support of the instant revisions, RCAA asserts that there is a distinct need for preemptible transponder service on Cable Net II at least through 1988. Thus, RCAA now proposes to offer this service to new customers. The rates for each preemptible transponder would be approximately \$58,333 per month through December 31, 1982, \$62,500 through December 31, 1983 and approximately \$66,666 thereafter. And, unlike Fixed Rate Service, RCAA may increase these rates during the service term.

4. Warner Amex, a subscriber to Fixed Rate Service on Cable Net II, contends that these revisions would be unjustly and unreasonably

<sup>3</sup> A customer taking protected service is assured of immediate replacement in the event that its assigned transponder fails, as long as a back-up transponder (i.e., one being used to provide preemptible service to another customer) is available. A customer taking unprotected service has no right to preempt another customer if its own leased transponder fails, but may not be preempted by a protected customer. A customer taking preemptible service is subject to interruption at any time as needed to restore service to a protected customer. Regardless of their protection grade, all fixed term transponder service customers are entitled to an allowance for interruptions proportionate to their duration, to be credited against the monthly service charge.

<sup>4</sup> RCA American Communications, Inc., *supra*. This investigation has been deferred pending resolution of the underlying issues in the Competitive Carrier Rulemaking proceeding in CC Docket No. 79-252. See Further Notice, 84 FCC 2d 445, 505-511 (1981). In RCA American Communications, Inc., Mimeo No. 5630 (released August 26, 1982), the Bureau allowed subsequent revisions to Fixed Rate Service proposed in Transmittal No. 386 to become effective but also consolidated those revisions into the investigation in Docket No. 82-166.

discriminatory against Fixed Rate Service customers in violation of Section 202(a) of the Communications Act, 47 U.S.C. 202(a). By proposing to offer preemptible service, RCAA is said to undermine its own rationale for previously discontinuing this service, namely, that such service is replete with disadvantages to customers. Moreover, Warner Amex asserts that by proposing to offer this service to other customers at this time, RCAA fails to meet its obligation to treat all reasonable requests for service in a uniform and reasonable manner. In this regard, Warner Amex alleges that in early 1982 it requested from RCAA the type of service offered under the instant tariff proposal, RCAA, however, never responded to that request, presumably because that service was not to be available after March 27, 1982. Thus, Warner Amex reasons that if RCAA is allowed to reinstate its preemptible Fixed Term Service, it should also be required to make that service available as a substitute to its current Fixed Rate Service customers.

5. Even if petitioner's contentions are accepted at face value, we cannot agree that suspension is the proper remedy. As explained, the offering to be made here is general in nature. Thus, if a suspension period were imposed, the effect would be denial of service to all potential customers. Under these circumstances, we fail to see what beneficial purpose would be served by the requested remedy. Nonetheless, we recognize that the tariff, as modified, may have some bearing on the concerns expressed by the Commission in its order designating Fixed Rate Service for investigation. Accordingly, on our own motion, we will consolidate these latest revisions into the investigation in Docket No. 82-166.

6. Accordingly, it is ordered, that the petition to suspend and investigate filed by Warner Amex Satellite Entertainment Corporation is granted to the extent indicated and is otherwise DENIED.

7. It is further ordered, That pursuant to Sections 4(i), 201-205 and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 201-205 and 403, an investigation is instituted of the above-captioned tariff revisions.

8. It is further ordered, that this investigation is consolidated into the investigation instituted by the Commission in *RCA American Communications, Inc.*, (CC Docket No. 82-166) 89 FCC 2d 1070 (1982).

9. It is further ordered, that this Memorandum Opinion and Order is effective on adoption.

Federal Communications Commission.

Gary M. Epstein

Chief, Common Carrier Bureau.

[FR Doc. 82-34776 Filed 12-22-82; 8:45 am]

BILLING CODE 6712-01-M

### Telecommunications Industry Advisory Group; Expense Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of two meetings of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee scheduled to meet on Wednesday, January 12, 1983, and Wednesday, January 26, 1983. Each meeting will begin at 9:00 a.m. and will be open to the public. The meeting locations are as follows:

Wednesday, January 12, 1983

AT&T Conference Room A-B (10th Floor),  
1120 20th Street, NW., Washington, D.C.

Wednesday, January 26, 1983

GTE Service Corporation, Suite 900, 1120  
Connecticut Avenue, NW., Washington,  
D.C.

The agenda are as follow:

- I. General Administrative Matters
- II. Discussion of Assignments
- III. Other Business
- IV. Presentation of Oral Statements
- V. Adjournment

With prior approval of Subcommittee Chairan John Howes, oral statements, while not favored or encouraged, may be allowed at the meeting 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. Howes (212/393-4029) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications  
Commission.

[FR Doc. 82-34775 Filed 12-22-82; 8:45 am]

BILLING CODE 6712-01-M

### FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-673-DR]

#### Amendment to Notice of Major-Disaster Declaration; Arkansas

AGENCY: Federal Emergency  
Management Agency.

ACTION: Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Arkansas (FEMA-673-DR), dated December 13, 1982, and related determinations.

DATE: December 17, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

#### Notice

The notice of a major disaster for the State of Arkansas dated December 13, 1982 (47 FR 56720) is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982:

For Individual Assistance Only:

The Counties of Baxter, Cleburne, Crawford, Fulton, Howard, Izard, Little River, Perry, Pike, Stone, Woodruff and Yell.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Acting Associate Director, State and Local Program and Support, Federal Emergency Management Agency.

[FR Doc. 82-34780 Filed 12-22-82; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-671-DR]

#### Major Disaster and Related Determinations; Hawaii

AGENCY: Federal Emergency  
Management Agency.

ACTION: Notice.

**SUMMARY:** This a notice of the Presidential declaration of a major disaster for the State of Hawaii (FEMA-671-DR), dated November 27, 1982, and related determinations.

DATE: November 27, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

#### Notice

Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief

Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of November 27, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Hawaii resulting from the impact of Hurricane Iwa beginning on November 23, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the State of Hawaii.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Public Law 93-288 for public assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Tommie C. Hamner of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Hawaii to have been affected adversely by this declared major disaster:

Kauai and Honolulu Counties for Individual Assistance and Public Assistance.

Dave McLoughlin,

*Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.*

[FR Doc. 82-34781 Filed 12-22-82; 8:45 am]

BILLING CODE 6718-02-M

#### (FEMA-674-DR)

#### Major Disaster and Related Determinations; Illinois

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Illinois (FEMA-674-DR), dated December 13, 1982, and related determinations.

**DATE:** December 13, 1982.

**FOR FURTHER INFORMATION CONTACT:**  
Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

#### Notice

Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of December 13, 1982, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Illinois resulting from severe storms, tornadoes, and flooding beginning on or about December 2, 1982, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the State of Illinois.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas when these requirements are known. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Public Law 93-288 for public assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert E. Connor of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Illinois to have been affected adversely by this declared major disaster:

For Individual Assistance only, the Counties of:

Brown	Cass
Bureau	Clinton
Calhoun	Fulton

Greene  
Grundy  
Jersey  
La Salle  
Livingston  
Madison  
Marshall  
Mason

Morgan  
Peoria  
Pike  
Putnam  
Schuyler  
Scott  
Tazewell  
Woodford

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Jack W. McGraw,

*Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.*

[FR Doc. 82-34779 Filed 12-22-82; 8:45 am]

BILLING CODE 6718-02-M

#### National Emergency Training Center; Board of Visitors for the National Fire Academy; Notice of 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: Board of Visitors for the National Fire Academy

Dates of meeting: January 17-18, 1983

Place: National Fire Academy, Emmitsburg, MD

Time: 9:00 a.m. to 5:00 p.m.

Proposed Agenda: January 17-18: Approval of Minutes; Old Business; New Business; Admissions Policies; Annual Report (Finalize)

The meeting will be open to the public with approximately 20 seats available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Joseph Donovan, Superintendent, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, MD 21727 (telephone number 301-447-6771) on or before January 10, 1983.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office, Building N, National Emergency Training Center, Emmitsburg, MD. Copies of the minutes will be available upon request 30 days after the meetings.

Dated: December 7, 1982.

Joseph L. Donovan,

*Superintendent, National Fire Academy.*

[FR Doc. 82-34782 Filed 12-22-82; 8:45 am]

BILLING CODE 6718-02-M

#### FEDERAL MARITIME COMMISSION

##### Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 50-40.

Filing party: Ralph M. Pais, Esq., Graham & James, One Maritime Plaza—Third Floor, San Francisco, California 94111.

Summary: Agreement No. 50-40 would amend the Pacific/Australia-New Zealand Conference Agreement in order to permit conference members to rationalize sailings.

Agreement Nos. 9847-7, 10027-11, 10386-3, 10388-1.

Filing Party: John D. Straton, Jr., Director, Rates and Conferences, Moore McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Summary: The above-listed amendments modify the U.S. Atlantic/Brazil, Brazil/U.S. Atlantic, Argentina/U.S. Atlantic and U.S. Atlantic/Argentina Pooling Agreements, respectively, to formalize the April 30, 1982 withdrawal of Sea-Land Services, Inc. from membership in the basic agreements.

Agreement No. 10286-2.

Filing party: John R. Attanasio, Esq., Billig Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10286-2 modifies the U.S. North Atlantic-Italy

Pool agreement as follows: (1) To allow any member to carry a designated amount of cargo for the pool account of a second line which will not be counted toward the carrying lines' share, such carriage to be on the unanimous vote of the membership and to take place within 90 days of the end of the pool period; (2) When the pool common fund does not cover compensation to be paid to undercarriers, half the shortfall will be paid by the overcarriers in proportion to their excess earnings; and (3) The permissible range of variation from each carrier pool share has been increased.

Dated: December 17, 1982.

Francis C. Hurney,  
Secretary.

[FR Doc. 82-34707 Filed 2-22-82; 6:45 am]  
BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an 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 St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Gravois Bancorp, Inc.*, St. Louis, Missouri; to acquire 100 percent of the voting shares or assets of Mehlville Bank, St. Louis Missouri. Comments on this application must be received not later than January 17, 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 100 percent of the voting shares or assets of American National Bank of Rock Springs, Rock Springs, Wyoming.

Comments on this application must be received not later than January 17, 1983.

Board of Governors of the Federal Reserve System, December 17, 1982.

James McAfee

Associate Secretary of the Board.

[FR Doc. 82-34765 Filed 12-22-82; 8:45 am]

BILLING CODE 6210-01-M

### 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 New York** (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

1. *Key Banks Inc.*, Albany, New York (trust activities Florida): To engage, through a *de novo* subsidiary of its existing subsidiary, Key Trust Company, in performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company (including activities of a fiduciary, agency, or custodian nature),

in the manner authorized by Federal or State law, so long as the institution does not make loans or investments or accept deposits other than: deposits that are generated from trust funds not currently invested and are properly secured to the extent required by law, or deposits representing funds received for a special use in the capacity of managing agent or custodian for an owner of, or investor in, real property, securities, or other personal property, or for such owner or investor as agent or custodian of funds held for investment or escrow agent, or for an issuer of, or broker or dealer in securities, in a capacity such as paying agent, dividend disbursing agent, or securities clearing agent, and not employed by or for the account of the customer in the manner of a general purpose checking account or bearing interest, or making of call loans to securities dealers or purchase of money market instruments such as certificates of deposit, commercial paper, government or municipal securities, and bankers acceptances (such authorized loans and investments, however, may not be used as a method of channeling funds to non-banking affiliates of the trust company). These activities would be conducted from an office in Orlando, Florida, serving the Tampa-Orlando area of Florida. Comments on this application must be received not later than January 17, 1983.

**B. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *Union Trust Bancorp*, Baltimore, Maryland (financing and insurance activity; Greenville, South Carolina): To engage, through its subsidiary, Landmark Financial Services of South Carolina, in making installment loans to individuals for personal, family or household purposes; in purchasing sales finance contracts executed in connection with the sale of personal, family or household goods or services; in acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; in acting as agent in the sale of insurance protecting collateral held against the extensions of credit; and in making loans secured in whole or in part by mortgages or other liens on real estate. These activities will be conducted from an office located in Greenville, South Carolina, serving the town of Greenville and the surrounding area. Comments on this application must be received not later than January 14, 1983.

**C. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President),

400 South Akard Street, Dallas, Texas 75222:

1. *First City Financial Corporation*, Albuquerque, New Mexico and its *de novo* subsidiary, First City Mortgage Company, Albuquerque, New Mexico (insurance activities; New Mexico, West Texas): To engage, directly and through its subsidiary, in insurance activities by acting as agent for the sale of life, accident and health insurance directly related to its extensions of credit from offices located in Albuquerque, Hobbs, Carlsbad, Ruidoso, Lovington and Roswell, New Mexico. Comments on this application must be received not later than January 11, 1983.

Board of Governors of the Federal Reserve System, December 17, 1982.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 82-34769 Filed 12-22-82; 8:45 am]

BILLING CODE 6210-01-M

#### **Citicorp; Bank Holding Company**

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage through a joint venture subsidiary, Harrison Credit Group, Inc.; (or indirectly through wholly-owned subsidiaries of the joint venture) in commercial lending, lease financing and servicing activities pertaining to Sperry New Holland equipment. The joint venture subsidiary would be owned equally by Citicorp Industrial Credit, Inc., a wholly-owned subsidiary of Citicorp, and Sperry Corporation. The joint venture subsidiary will engage in the following specific activities: the making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit, for the purchase of equipment manufactured by the Sperry New Holland Division of Sperry Corporation; the leasing of personal property, primarily equipment manufactured by the Sperry New Holland Division of Sperry Corporation, or acting as agent, broker or advisor in leasing such property and servicing such leases, subject to all of the qualifications specified in 12 CFR 115.4(a)(6)(a), where the lease serve as the functional equivalent of an extension of credit to the lessee of the property; and the servicing of loans and other extensions of credit for divisions and subsidiaries of Sperry Corporation. Such activities will be conducted from 11 regional offices located in following cities: Liverpool, New York; Charlotte, North

Carolina; Columbus, Ohio; Memphis, Tennessee; Joliet, Illinois; St. Paul, Minnesota; Lenexa, Kansas; Arlington, Texas; Denver, Colorado; Portland, Oregon; and Fresno, California. Each of these offices will serve a multi-state regional area, which regional areas, in the aggregate, will encompass the entire United States. In addition, two head offices, located in Harrison, New York and New Holland, Pennsylvania, will each have a nationwide service area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse affects, 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 Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 17, 1983.

Board of Governors of the Federal Reserve System, December 17, 1982.

James McAfee

*Associate Secretary of the Board.*

[FR Doc. 82-34764 Filed 12-22-82; 8:45 am]

BILLING CODE 6210-01-M

#### **Formation of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Union Bancorp of Du Bois, Pennsylvania, Inc.*, Du Bois, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Union Banking & Trust Company of Du Bois, Pennsylvania, Du Bois, Pennsylvania. Comments on this application must be received not later than January 17, 1983.

**B. Federal Reserve Bank of Chicago** (Franklin D. Dryer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Financial Concepts Bancorp, Inc.*, Green Bay, Wisconsin; to become a bank holding company by acquiring 96 percent of the voting shares of University Bank, Green Bay, Wisconsin. Comments on this application must be received not later than January 17, 1983.

2. *Lake Country Holding Co., Inc.*, Hartland, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of State Bank of Hartland, Hartland, Wisconsin. Comments on this application must be received not later than January 17, 1983.

**C. Federal Reserve Bank of St. Louis** (Delmar P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Southern BancShares, Inc.*, West Helena, Arkansas; to become a bank holding company by acquiring 80.0 percent of the voting shares of Merchants & Farmers Bank, West Helena, Arkansas. Comments on this application must be received not later than January 17, 1983.

**D. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *A & K Bancshares, Inc.*, Roby, Texas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Citizens State Bank, Roby, Texas. Comments on this application must be received not later than January 12, 1983.

2. *Hugo Bankshares, Inc.*, Hugo, Oklahoma; to become a bank holding company by acquiring 88 percent of the voting shares of Security First National Bank, Hugo, Oklahoma. Comments on this application must be received not later than January 17, 1983.

**E. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Frontier Group Incorporated*, Buena Park, California; to become a bank holding company by acquiring 100 percent of the voting shares of Frontier Bank, N.A., Buena Park, California, a *de novo* bank. Comments on this application must be received not later than January 17, 1983.

**F. Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Augustana College Association*, Sioux Falls, South Dakota; to become a bank holding company by acquiring 87.4 percent of the voting shares of State Bank Hendricks, Hendricks, Minnesota. This application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minnesota. Comments on this application must be received not later than January 17, 1983.

Board of Governors of the Federal Reserve System, December 17, 1982.

**James McAfee**

*Associate Secretary of the Board.*

[FR Doc. 82-34768 Filed 12-22-82; 8:45 am]

BILLING CODE 6210-01-M

### **Mellon National Corp.; Proposed Acquisition of Mortgage and Trust Inc. and Caroline Realty Company**

Mellon National Corporation, Pittsburgh, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Mortgage and Trust, Inc., Houston, Texas and Caroline Realty Company, Houston, Texas.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring for its own account or for the account of others loans and other extensions of credit such as would be made by a mortgage company; servicing loans and other extensions of credit for any person; acting as an investment or financial advisor to a real estate investment trust and acting as an insurance agent for the sale of insurance that is directly related to an extension of credit made by the mortgage company. These activities would be performed from offices of

Applicant's subsidiary in Houston, Texas and Denver, Colorado, and the geographic area to be served is the southwestern United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 17, 1983.

Board of Governors of the Federal Reserve System, December 17, 1982.

**James McAfee**,

*Associate Secretary of the Board.*

[FR Doc. 82-34766 Filed 12-22-82; 8:45 am]

BILLING CODE 6210-01-M

### **Starbuck Bancshares, Inc.; Formation of Bank Holding Company**

Starbuck Bancshares, Inc., Starbuck, Minnesota, 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 82.5 percent or more of the voting shares of The First National Bank of Starbuck, Starbuck, Minnesota. 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)).

Starbuck Bancshares, Inc., Starbuck, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and

§ 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Olson Insurance Agency of Starbuck, Starbuck, Minnesota.

Applicant states that the proposed subsidiary would engage in general insurance activities. These activities would be performed from offices of Applicant's subsidiary in Starbuck, Minnesota, and the geographic area to be served is Starbuck, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. not later than January 17, 1983.

Boards of Governors of the Federal Reserve System, December 17, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-34767 Filed 12-22-82; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Advisory Committee to the Director, NIH; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee to the Director, NIH, on January 19, 1983, at the National

Institutes of Health, Bethesda, Maryland 20205. The meeting will take place from 9:00 a.m. to 5:00 p.m. in Building 31, Conference Room 10, C Wing. The meeting will be open to the public.

The meeting will open with a report by the Director of NIH on the status of biomedical research as it relates to programs, policies, and priorities of the National Institutes of Health. Discussions will cover such subjects as priorities to maintain the strength of the national research enterprise, training of new investigators, maintenance of high quality of effort, and relationships with universities and industry.

The Executive Secretary, Michael I. Goldberg, Ph. D., National Institutes of Health, Building 1, Room 137, Bethesda, Maryland, 301-496-3152, will furnish summaries of the meeting, rosters of Committee members and consultants, and substantive program information.

Date: December 1, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-34749 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### Board of Scientific Counselors, Division of Resources, Centers, and Community Activities; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, January 20-21, 1983, Building 31, C Wing, Conference Room 10, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. through adjournment on January 20 and from 8:30 a.m. through adjournment on January 21, to discuss the current and future programs of the Division of Resources, Centers, and Community Activities. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Robert G. Burnight, Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 3A01A, Bethesda, Maryland 20205 (301/427-8630) will furnish substantive program information.

Dated: December 5, 1982.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 82-3474 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### Board of Scientific Counselors, Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, January 27-28, 1983, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814. This meeting will be open to the public on January 27, 1983, from 8:30 a.m. until approximately 5:00 p.m., and again on January 28, 1983, from 8:30 a.m. until adjournment, to review program plans, contract recompetitions and budget for the DCT program. In addition, consultants will be invited to discuss two subjects: (1) Observational Studies and Randomized Trials, and (2) Studies on LH Releasing Hormones. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A-06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Bruce A. Chabner, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Maryland 20205 (301/496-4291) will furnish substantive program information.

Dated: December 15, 1982.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 82-34747 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### National Digestive Diseases Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on January 25, 1983, 8:30 a.m. to adjournment, in Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland. The Meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the current digestive diseases plan. Attendance by the public will be limited to space available.

Dr. Ralph Bain, Executive Director, National Digestive Diseases Advisory

Board, P.O. Box 30377, Bethesda, Maryland 20084, (301) 496-2232, will provide an agenda and roster of membrs. Summaries of the meeting may be obtained by contacting Carole A. Peters, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496-5765.

Dated: December 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-34748 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

### Division of Research Grants; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for January 1983, and the individuals from whom

summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 522b(c)(4) and 522b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	January 1983 meetings	Time	Location
Behavioral and Neurosciences-1, Dr. Bertie Woolf, Rm. A23, Tel. 301-496-7286	Jan. 13-14	8:30	Holiday Inn, Georgetown, DC.
Behavioral and Neurosciences-2, Dr. Laura Weinstein, Rm. A25, Tel. 301-496-7286	Jan. 14	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences-3, Dr. Bertie Woolf, Rm. A23, Tel. 301-496-7286	Jan. 28	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences-4, Dr. Bertie Woolf, Rm. A23, Tel. 301-496-7286	Jan. 28	8:30	Holiday Inn, Georgetown, DC.
Behavioral and Neurosciences-5, Dr. Laura Weinstein, Rm. A25, Tel. 301-496-7286	Jan. 28	8:30	Holiday Inn, Bethesda, MD.
Biomedical Sciences-1, Ms. Joan D. Fredericks, Rm. A10, Tel. 301-496-1067	Jan. 17-19	8:30	Holiday Inn, Georgetown, DC.
Biomedical Sciences-2, Dr. Charles Baker, Rm. A10, Tel. 301-496-7150	Jan. 25-26	8:30	Ramada Inn, Bethesda, MD.
Biomedical Sciences-3, Ms. Joan D. Fredericks, Rm. A10, Tel. 301-496-1067	Jan. 24-26	8:30	Ramada Inn, Bethesda, MD.
Biomedical Sciences-4, Dr. Charles Baker, Rm. A10, Tel. 301-496-7150	Jan. 18-19	8:30	Ramada Inn, Bethesda, MD.
Clinical Sciences-1, Dr. Lynwood Jones, Rm. A19, Tel. 301-496-7510	Jan. 20-22	8:30	Holiday Inn, Georgetown, DC.
Clinical Sciences-2, Dr. Bernice Lipkin, Rm. A19, Tel. 301-496-7477	Jan. 24-25	8:30	Highland Hotel, Washington, DC.
Clinical Sciences-3, Dr. Lynwood Jones, Rm. A19, Tel. 301-496-7510	Jan. 13-14	8:30	Holiday Inn, Georgetown, DC.
Clinical Sciences-4, Dr. Bernice Lipkin, Rm. A19, Tel. 301-496-7477	Jan. 27-28	8:30	Highland Hotel, Washington, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393-13.396, 13.837-13.844, 13.846-13.878, 13.892, 13.893, National Institutes of Health, HHS)

Dated: December 3, 1982.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 82-34737 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Neurological and Communicative Disorders and Stroke; Meeting of National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, January 20 and 21, 1983, at 9:00 a.m. in Building 31-C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. In addition, a meeting of the Planning Subcommittee of the above Council will be held on January 19, 1983, at 1:00 p.m. to approximately 5:00 p.m. in Building 31, Room 8A28, National Institutes of Health, Bethesda, Maryland 20205.

The meeting of the full Council will be open to the public from 9:00 a.m. until

approximately 12:00 noon on January 20, 1983 to discuss administration, management and special reports. The meeting of the Planning Subcommittee will be open from 1:00 p.m. to approximately 3:00 p.m. on January 19 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the Advisory Council meeting will be closed to the public from approximately 1:00 p.m. on January 20, 1983, until the conclusion of the meeting that day, and from 8:30 a.m. until adjournment on January 21, 1983, for review, discussion and evaluation of Research Grant applications and applications for Teacher-Investigator Awards, Research Career Development Awards, and Institutional National Research Service

Awards. The meeting of the Planning Subcommittee will be closed from approximately 3:00 p.m. to adjournment on January 19, 1983, also for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496-9248, will furnish substantive program information, summaries of the meeting and rosters of members.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological

Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health)

[FR Doc. 82-34738 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01

#### National Institute of Dental Research; Meeting of National Advisory Dental Research Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Dental Research Council, National Institute of Dental Research, on January 25-26, 1983, in Conference Room 10, Building 31-C, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to adjournment on January 26 for general discussion and program presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on January 25 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Dorothy Costinett, Committee Management Assistant, National Institute of Dental Research, National Institutes of Health, Building 31-C, Room 2C21, Bethesda, MD 20205, (phone 301 496-2883) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Dated: December 3, 1982.

Betty J. Beveridge,  
NIH Committee Management Officer.

[FR Doc. 82-34739 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### National Institute of General Medical Sciences; Meeting of the National Advisory General Medical Science Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Science Council, National Institute of General Medical Science, National Institutes of Health, on January 27, and 28, 1983, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on January 27, 1983, from 9:00 a.m. to 1 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 27 from approximately 2:00 p.m. to 5:00 p.m., and on January 28, 1983, from 8:30 a.m. until adjournment, for the review discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Wanda Wardell, Acting Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A12, Westwood Building, Bethesda, Maryland 20205, Telephone: 301, 496-7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Westwood Building, Room 926, Bethesda, Maryland 20205, Telephone: 301 496-7891 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13-821, Physiology and Biomedical Engineering; 13-859, Pharmacology-Toxicology Research; 13-862, Genetics Research; 13-863, Cellular and Molecular Basis of Disease Research; and 13-880, Minority Access to Research Careers (MARC))

Dated: December 3, 1982.

Betty J. Beveridge,  
Committee Management Officer, National Institutes of Health.

[FR Doc. 82-34740 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-40-M

#### National Institute of Environmental Health Sciences; Meeting of Board of Scientific Counselors, NIEHS

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, January 25-26, 1983, in Building 101 Conference Room, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

This meeting will be open to the public from 9 a.m. to 12 noon on January 25, for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Environmental Chemistry. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(c)(6) Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 25 from approximately 1 p.m. to adjournment on January 26, 1983, for the evaluation of the programs of the Laboratory of Environmental Chemistry, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Charles E. Carter, Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 541-3205, FTS 629-3205, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: December 6, 1982.

Betty J. Beveridge,  
Committee Management Officer, National Institute of Health.

[FR Doc. 82-34741 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### National Institute of Child Health and Human Development; Meeting of the National Advisory Child Health and Human Development Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, January 24-25, 1983, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on January 24 from 9:00 a.m. until 5:00 p.m. The agenda includes a report by the NICHD Director, Council

subcommittee reports, scientific presentations, and review of the Social and Behavioral Sciences Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 25 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Majorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 130.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health)

Dated: December 3, 1982.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 82-34742 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute of Environmental Health Sciences; Meeting; National Advisory Environmental Health Sciences Council**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, February 7-8, 1983, at the National Institute of Environmental Health Sciences, Building 101 Conference Room, Research Triangle Park, North Carolina.

This meeting will be open to the public on February 7, 1983, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 7,

from approximately 1:00 p.m. to adjournment on February 8, 1983, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Winona P. Herrell, Committee Management Officer, NIEHS, Building 31, Room 2B55, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Programs, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541-7723, FTS 629-7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, Prediction, Detection and Assessment of Environmentally Caused Diseases and Disorders; 13.893, Mechanisms of Environmental Diseases and Disorders; 13.894, Environmental Health Research and Manpower Development Resources, National Institutes of Health)

Dated: December 3, 1982.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 82-34743 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### **National Heart, Lung, and Blood Institute; Meetings of the National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, February 10-12, 1983, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland, 20205. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be February 9, 1983 at 8:00 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

This meeting will be open to the public on February 10 from 9:00 a.m. to approximately 3:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public from approximately 3:00 p.m. on February 10 to adjournment of February 12 for the review, discussion and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment of February 9, 1983 for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Dr. Jerome G. Green, Executive Secretary of the Council, Westwood Building, Room 7A-17, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7416, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: December 3, 1982.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 82-34744 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

#### **National Heart, Lung, and Blood Institute; Meeting of Research Manpower Review Committee**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on January 24-26, 1983, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on January 24, 1983, from 8:00 p.m. to approximately 10:00 p.m., to discuss administrative details and to

hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in Sections 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 25 and 26, 1983, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Carol H. Letendre, Executive Secretary, NHLBI, Westwood Building, Room 548, Bethesda, Maryland 20205, phone (301) 496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases and Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: December 3, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-34745 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

## Public Health Service

### National Toxicology Program; Cancer Bioassay Reports on 2-Biphenylamine Hydrochloride, C.I. Solvent Yellow 14, and D-Mannitol; Availability

The HHS' National Toxicology Program today announces the availability of Technical Reports on carcinogenesis bioassays of 2-biphenylamine hydrochloride, C.I. Solvent Yellow 14, and D-mannitol.

The free amine, 2-biphenylamine, is a chemical intermediate used to make C.I. Acid Red 15. It is also a contaminant in both 4-biphenylamine, a rubber antioxidant, and diphenylamine, a dye intermediate, stabilizer in explosives, and a screw worm preventive agent.

Under the conditions of the bioassay, 2-biphenylamine hydrochloride was carcinogenic for female mice, causing hemangiosarcomas at various sites. For male mice, the evidence for a chemically-induced increase in the incidence of hemangiosarcomas was

equivocal. 2-Biphenylamine hydrochloride was not carcinogenic for rats of either sex.

C.I. Solvent Yellow 14 is used to color hydrocarbon solvents, oils, fats, waxes, shoe and floor polish, varnishes, styrene resins, gasoline, and soap. It is no longer used in foods, drugs, or cosmetic. An estimated 381,000 pounds were produced in the United States in 1978.

C.I. Solvent Yellow 14 was carcinogenic for both male and female rats causing increased incidences of neoplastic nodules of the liver. It was not carcinogenic for mice of either sex.

D-Mannitol, which is used to make chewable tablets and as a sugar replacement, was found not to be carcinogenic for rats or mice of either sex. D-Mannitol is also found in algae, fungi, bacteria and a variety of other plants including pumpkins, strawberries, onions, celery, and cocoa beans.

Copies of these reports—*Carcinogenesis Bioassay of 2-Biphenylamine Hydrochloride* (T.R. 233), *C.I. Solvent Yellow 14* (T.R. 226) and *D-Mannitol* (T.R. 236)—are available without charge by writing to the NTP Public Information Office, M.D. B2-04, Box 1223, Research Triangle Park, NC 27709. Telephone: (919) 541-3991, FTS 629-3991.

Dated: December 14, 1982.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 82-34750 Filed 12-22-82; 8:45 am]

BILLING CODE 4140-01-M

## Office of the Secretary

### Agency Forms Submitted to the Office of Management and Budget for Clearance

Normally, each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). However, since Friday, December 24, is a legal holiday, we are publishing this notice on December 23. The following are those packages submitted to OMB since the list was last published on December 17.

#### Public Health Service

##### Centers for Disease Control

Subject: National Self-Care Program Inventory—New.

Respondents: Facilities with programs related to self care.

OMB Desk Officer: Richard Eisinger.

#### National Institutes of Health

Subject: Multicenter Investigation for Limitation of Infarct Size (0925-0083)—Extension.

Respondents: Physicians.

Subject: An Epidemiologic Investigation of Cancer Risk in Radiologic Technologists (0925-0164)—Extension.

Respondents: Radiologic Technologists.

Subject: Study of the Major Prognostic Factors in Renal Transplantation—New.

Respondents: Renal transplant surgeons.

OMB Desk Officer: Richard Eisinger.

#### Social Security Administration

Subject: Evaluation of 1981 Aid to Families with Dependent Children Amendments—Follow-up Telephone Interview (SSA-67-BK (11-82))—New.

Respondents: Individuals or Households.

Subject: Physician's Medical Report for Individual with Childhood Impairment who is Requesting or Receiving Social Security Disability Benefits (SSA-3827 (11-82))—Revision.

Respondents: Businesses or other institutions.

Subject: States' Quarterly Estimate of Expenditures for their Aid to Families with Dependent Children Programs (SSA-65 (12-81))—Revision.

Respondents: State or local governments.

OMB Desk Officer: Milo Sunderhauf.

#### Office of Human Development Services

Subject: Instructions for Applying for Grants from Office of Human Development Services Programs (0980-0016)—Revision.

Respondents: States, local governments, social service agencies, and Indian tribes.

OMB Desk Officer: Milo Sunderhauf.

#### Health Care Financing Administration

Subject: Professional Standards Review Organization Grant Application (HCFA-95 and others)—Extension/no changes.

Respondents: Professional Standards review organizations.

Subject: Professional Standards Review Organization Routine Federal Reporting Requirements (HCFA-111 and others)—Extension/no changes.

Respondents: Professional standards review organizations.

Subject: Christian Science Sanatorium Inpatient Admission and Billing Form (HCFA-1486)—Revision.

Respondents: Christian Science Sanatoriums.

Subject: Reporting Requirements for Home and Community-Based Services Waivers (HCFA-8003)—New.  
Respondents: State Medicaid Agencies.

OMB Desk Officer: Fay S. Iudicello.  
Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201  
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer)

Dated: December 16, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-34683 Filed 12-22-82; 8:45 am]

BILLING CODE 4150-04-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Crow Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DMB and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, Sections 2.70-2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Crow Irrigation Project, Crow Agency, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. One written comment was received during the 30-day comment period.

The written comment did not object to the new rates, but did ask questions for more details concerning the rates.

Therefore, in compliance with the above, the operation and maintenance charges for the lands under the Crow Irrigation Project, Montana for the season of 1983 and subsequent years until further notice, are hereby fixed as follows:

Unit	Rate/acre
Two Leggins .....	\$5.20
Bozeman Trail .....	2.20
All Regular Units .....	7.90
All Units under Willow Creek Storage .....	0.30
Two Leggins Drainage .....	1.25

<sup>1</sup>Or minimum of \$20 per land owner.

Neil A. MacKenzie,

Acting Superintendent, Crow Indian Agency.

[FR Doc. 82-34884 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-02-M

### Bureau of Land Management

#### Colorado and Wyoming; Tract Ranking and Environmental Impact Statement (EIS) Alternatives Meeting; Green River-Hams Fork Federal Coal Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Ranking of tracts for proposed leasing of Federal coal and discussion of environmental impact statement alternatives.

SUMMARY: This notice advises the public that, pursuant to 43 CFR 3420.3-4, the regional coal team intends to rank Federal coal tracts in the Green River-Hams Fork Coal Production Region of Colorado and Wyoming for possible leasing beginning in June 1984 and for other coal management purposes.

Based upon the expressions of interest received from industry, 13 tracts in Colorado, and 12 tracts in Wyoming were delineated. All 25 tracts have been analyzed on a site-specific basis.

The regional coal team will rate these tracts on the basis of high, medium, and low desirability based upon three categories of considerations. These categories include coal economics, impacts upon the natural environment, and socio-economic impacts. The regional coal team determined a ranking scheme at their June, 1982 meeting. After the tracts have been ranked, the

regional coal team will determine the Environmental Impact Statement Alternatives to be analyzed during the EIS.

DATES: The regional coal team will meet at 10:00 a.m., January 11, 1983. Arrangements have been made to meet January 12, 1983, if necessary.

ADDRESS: The team will meet at the Holiday Inn, 204 West Fox Farm Road, Cheyenne, Wyoming 82007.

FOR FURTHER INFORMATION CONTACT: Kenneth P. Smith, 1037 20th Street, Denver, Colorado 80202, (303) 837-3008.

SUPPLEMENTARY INFORMATION: The following tracts have been delineated and will be ranked at the above meeting:

Tract name	General location by county	mm of tons total recoverable resource
Wyoming:		
Tract 98	Lincoln	3.4
Byrne	Uinta	17
Winton	Sweetwater	72.5
Leucite Hills	Sweetwater	17.7
Deadman	Sweetwater	.3
Point of Rocks	Sweetwater	22.6
Pio	Sweetwater	11.1
Indian Springs	Carbon	49
Atlantic Firm	Carbon	178.1
N. E. Cow Creek	Carbon	91.6
Corral Canyon	Carbon	72.2
Wild Horse Draw	Carbon	12.1
Colorado:		
Prairie Dog	Rio Blanco	44
Rattlesnake	Rio Blanco	36
Lay	Moffat	50.3
Signal Butte	Moffat	79.9
Horse Gulch	Moffat	7.1
Bell Rock	Moffat	39.1
Isle Mountain	Moffat	33.5
Williams Fork	Moffat and Routt	39.1
Peck Gulch	Moffat	44.4
Little Middle Creek	Routt	24.8
Fish Creek	Routt	64.3
Middle Creek	Routt	5.5
Trout Creek	Routt	10.2

All tonnages are estimates and subject to change.

The regional coal team will rank the tracts based upon the data contained in the tract delineation report, and the site-specific environmental analysis report, which will have been prepared for each tract prior to the ranking process, together with other considerations. Tract profile reports which summarize the above reports will be available from the involved District offices or

The recommendations of the regional coal team in ranking these tracts will be based upon consultation with Federal and state agencies. The above reports, written comments received in answer to this announcement, comments received at the regional coal team meeting and other considerations.

The regional coal team may modify tract boundaries at this time.

Tracts will be selected to meet or exceed the regional Federal coal leasing target to be set by the Secretary of the Interior.

Once the tracts have been selected and one or more acceptable tract combinations have been identified, the selected tracts and alternate combinations will be analyzed for their individual and cumulative impacts as part of an environmental impact statement.

Dated: December 17, 1982.

George C. Francis,  
State Director, Colorado, Bureau of Land Management

[FR Doc. 82-34863 Filed 12-22-82; 9:45 am]

BILLING CODE 4310-84-M

#### Butte District, Montana; Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Butte District Multiple Use Advisory Council will be held on Tuesday and Wednesday, February 1 and 2, 1983.

The meeting will begin at 1:00 p.m. on February 1 in the conference room of the Butte District Office at 106 N. Parkmont (Industrial Park), Butte, Montana. The agenda will include: (1) Orientation and election of officers; and (2) updates and discussion of the district's major program efforts.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make an oral statement should make advance arrangements with the District Manager.

Summary minutes 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.

Dated: December 17, 1982.

Jack A. McIntosh,  
District Manager.

[FR Doc. 82-34866 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-84-M

[N-892, N-892A]

#### Nevada; Classification Vacated

##### Correction

In FR Doc. 82-32910, beginning on page 54364, on Thursday, December 2, 1982, make the following changes:

1. On page 54365, in the first column, under T. 9 N., R. 64 E., the fourth line should read, "Sec. 11, E&E";

2. Also in the first column, under paragraph 3., "T. 4 S., R. 62 E.," should read "T. 1 S., R. 62 E.,".

BILLING CODE 1505-01-M

#### Canon City District Grazing Advisory Board; Meeting

Notice is hereby given under Pub. L. 92-463 that a meeting of the Canon City District Grazing Advisory Board will be held at 10:00 a.m., Thursday, February 10, 1983 at the Chaffee County Bank, 146 G Street, Salida, Colorado.

The purpose of the meeting is to review allotment management plan implementation and to initiate, conduct and settle business pertaining to expenditure of Range Betterment and Improvement Funds.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and a persons will be accommodated on a first come, first serve basis. Any person may file with the Board a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting may contact Melvin D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado 81212, at (303) 275-0631.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated: December 14, 1982.

Stewart A. Wheeler,  
Acting District Manager.

[FR Doc. 82-34723 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-84-M

#### Casper District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Casper District Advisory Council will be held on January 19, 1983.

The meeting will convene at 9:00 a.m. in the conference room of the Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

The agenda will include: election of a chairman, a report of action taken on the recommendation of the previous advisory council, an orientation to Casper District programs and organization, and identification of issues for consideration in the Platte River Resource Area Resource Management Plan.

The meeting is open to the public. Interested persons may make oral statements or file written statements for the board's consideration. Anyone wishing to make an oral statement should notify the Casper District Manager at the above address by January 17, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be available for public inspection within 30 days following the meeting.

Dated: December 13, 1982.

Leslie A. Oliver,  
Acting District Manager.

[FR Doc. 82-34722 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-84-M

#### Roswell Advisory Council; Meeting

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Advisory Council Meeting.

**SUMMARY:** The Bureau of Land Management Roswell District Advisory Council will meet January 26, 1983. The primary objectives of the meeting will be orientation for the new members, briefing on recent and upcoming District projects, and election of officers. The current members were appointed to the council in October, 1982, by the Secretary of Interior. The meeting will be held January 26, 1983, in the Roswell Inn, 1815 North Main, Roswell, New Mexico, beginning at 9:00 a.m. (Mountain Standard Time). There will be a one-hour lunch break around noon, and the meeting will be concluded by 3:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Hans Stuart, Public Information Specialist, Bureau of Land Management, Roswell District, P.O. BOX 1397, Roswell, NM 88201; telephone 505-622-7670.

**SUPPLEMENTARY INFORMATION:** The council is chartered by the Secretary of Interior to provide citizen advice to the Roswell District Manager in matters concerning BLM-administered lands and resources.

The meeting is open to the public. Any person may attend and/or file a written statement. During the meeting the public is encouraged to ask questions and participate in discussion. Written statements for the Council can be mailed to the Roswell District at the above address in the case of an inability to attend.

Minutes of the meeting will be prepared and made available for public review at the District Office.

The agenda for the meeting will include the following:

Welcome from Roswell District Manager;  
Introduction of District staff;  
Remarks by Bill Luscher, New Mexico State Director for BLM;  
Short presentations by staff on current and upcoming initiatives;  
Elections of Council Chairperson and Vice Chairperson for 1983.

John Gregg,  
District Manager.

[FR Doc. 82-34724 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### Battle Mountain District, Shoshone-Eureka Resource Area

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Intent to prepare an environmental impact statement (EIS) concerning the Exxon Minerals Corporation (Exxon) application for land acquisition at MT. Hope north of Eureka, Nevada.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969 (NEPA), Exxon is working with the Bureau of Land Management to prepare an environmental impact statement on land acquisition for a large open pit molybdenum mine and overburden disposal sites, a process plant and general facilities, and a tailing disposal impoundment. These operations could require as much as 10,000 acres.

**PRELIMINARY LIST OF ISSUES:** The following is a preliminary list of issues as identified by the BLM and the applicant:

Air Quality	Cultural Resources
Groundwater Resources	Visual Effects
Socioeconomic Effects	Land Use Changes
Water Rights Acquisition	Seismic Effects
Erosion	Ecology

Rare and Endangered Species Natural Resources

**ALTERNATIVES:** Although the land purchase application is the action which occasions the EIS process, there are other federal decisions which must be made before the applicant may proceed. Among these are the granting of rights-of-way and the approval of a plan-of-operation. Based upon the provisions of Section 1508.25 of the Council on Environmental Quality (CEQ) regulations, all aspects of this project will be addressed in the same EIS. Alternatives to the proposed action that are being considered for analysis include:

1. No Action

2. Land Acquisition Alternatives, Individually and in Combination
  - a. Federal Land Policy and Management Act (FLPMA) Exchange
  - b. Federal Land Policy and Management Act (FLPMA) Use Permit
  - c. Lode Claims and Millsite Claims
3. Alternative Rights-of-Way Routings
4. Mine/Process Plant Alternatives
  - a. Alternative Mill Sites
  - b. Alternative Overburden and Waste Rock Disposal Sites
  - c. Alternative Tailing Pond Sites
  - d. Housing Development

**DATES AND ADDRESSES:** Scoping meetings are scheduled in January to provide the public an opportunity to learn about the proposed action and to make comments. Meetings will be held as follows:

1. January 12, 1983, 7:00 to 9:00 p.m., Pioneer Inn, 221 South Virginia Street, Reno, Nevada.
2. January 13, 1983, 7:00 to 9:00 p.m., Eureka Courtroom, Eureka, Nevada. A public comment period will begin December 20, 1982, and extend through January 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Neil D. Talbot, Area Manager, Shoshone-Eureka Resource Area, P.O. Box 194, 2nd and Scott Streets, Battle Mountain, Nevada 89820 or telephone (702)635-5181.

Dated: December 15, 1982.

Michael C. Mitchel,  
Acting District Manager, Battle Mountain, Nevada.

[FR Doc. 82-34720 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### [CA 13268]

#### Realty Action-Exchange; Public Lands in Trinity County, Calif.

The Bureau of Land Management and J.H. Baxter & Co., together own (undivided one-half interest) a parcel of property along the Trinity River described as the N $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 13, T. 33 N., R. 9 W., M.D.M. The parcel has many valuable resources that cannot be managed without the consent of each controlling party. This joint ownership makes it difficult to manage the public's interest on the parcel.

The Bureau of Land Management and J.H. Baxter & Co. are proposing to divide the parcel (80 acres) through an exchange of interest.

The following described land has been determined to be suitable for disposal to J.H. Baxter & Co. under Section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756):

Mount Diablo Meridian  
T. 33 N., R. 9 W.  
Sec. 13, W $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$   
Containing 40 acres (approximately)

The Bureau of Land Management will acquire J.H. Baxter & Co.'s one-half interest in the following parcel:

Mount Diablo Meridian  
T. 33 N., R. 9 W.  
Sec. 13, E $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$   
Containing 40 acres (approximately)

For a period of 45 days from the date of this notice, interested parties may submit comments to the Area manager, 355 Hemsted Drive, Redding, California 96002. Any adverse comments will be evaluated by the State Director. In the absence of any action by the State Director, this realty action will become a final determination of the Bureau of Land Management.

Dated: December 15, 1982.

Robert C. Korfhage,  
Area Manager.

[FR Doc. 82-34721 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### [CA 13313]

#### Notice of Realty Action—Exchange

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 91-476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and Section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

#### Humboldt Meridian

T. 1 N., R. 4 E.,  
Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
T. 4 N., R. 4 E.,  
Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
T. 9 N., R. 4 E.,  
Sec. 1, Lot 15;  
T. 10 N., R. 4 E.,  
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

#### Mount Diablo Meridian

T. 14 N., R. 16 W.,  
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Containing 282.58 acres.

Louisiana-Pacific Corporation, P.O. Box 158, Samoa, California 95564, has applied to acquire the above described lands in exchange for the following described privately owned lands:

**Humboldt Meridian**

T. 3 S., R. 1 W.,  
Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 4 S., R. 1 E.,  
Sec. 15, Lots 3 and 7;  
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 23, Lots 1, 2, 3, and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 26, Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 27, Lots 4 and 5;

T. 7 N., R. 3 E.,  
Sec. 3, Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

T. 8 N., R. 3 E.,  
Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Containing 897.83 acres.

**DATES:** For a period of 45 days from the first publication of this notice, interested parties may submit comments to the California State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification this realty action will become the final determination of the Bureau.

**ADDRESSES:** Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Eureka Area Office, BLM, 1585 J Street, P.O. Box II, Arcata, California 95521.

**FOR FURTHER INFORMATION CONTACT:** Jack Lahr, Area Manager, Eureka Resource Area Office, Bureau of Land Management, 1585 J Street, P.O. Box II, Arcata, California 95521, phone: (707) 822-7648.

**SUPPLEMENTARY INFORMATION:** A mineral evaluation has been requested on the public land. If any minerals are identified, a reservation of identified minerals will be made to the United States. If no minerals are identified, the mineral estate of the public lands will be conveyed with the surface. The mineral estate of the privately owned lands will be conveyed with the surface.

The publication of this notice in the *Federal Register* shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consummated before the end of that period.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945). A U.S. Forest Service right-of-way exists on T. 4 N., R. 4 E., H.M., Section 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and Section 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ . If continued

need exists for the Forest Service, a reservation to the United States will be made in the Patent Deed.

The purpose of this exchange is to acquire non-Federal lands within the King Range National Conservation Area and to consolidate public land ownership for more effective management in the Scattered Blocks Planning Unit. This exchange is in conformance with Bureau planning and in the public interest.

Dated: December 16, 1982.

Van W. Manning,  
*District Manager.*

[FR Doc. 82-34857 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### Grand Junction Resource Management Plan and Environmental Impact Statement

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Scoping Meetings.

**SUMMARY:** The U.S. Department of the Interior, Bureau of Land Management, Grand Junction District, Grand Junction Resource Area will prepare a Resource Management Plan and associated Environmental Impact Statement. The plan area contains more than 2,000,000 acres of which about 60% is public land. The plan area is primarily located in Mesa County, Colorado, but also includes portions of Garfield, Delta, and Montrose Counties, Colorado, and Grand County, Utah.

The Resource Management Plan is a comprehensive land use plan which allocates lands to various uses under the multiple use concept. The plan will identify goals for resource management, use levels, and measures required to implement management decisions. The preliminary schedule identifies starting the Resource Management Plan on October 1, 1983, and completing the associated Environmental Impact Statement on September 30, 1985. All written comments or information should be submitted by March 15, 1983.

The purpose of the public scoping meetings is to identify issues to be addressed in the RMP. The public scoping meetings will be held at the following:

February 1, 1983, 7:00-10:00 p.m., Ramada Inn Roadside Hotel, 718 Horizon Drive, Grand Junction, CO 81501.

February 3, 1983, 7:00-10:00 p.m., Ramada Inn Foothills, 11595 W. 6th Ave., Lakewood, CO 80215.

The RMP will also address potential coal lease areas. Interested parties should submit necessary coal resource information at the public meetings or in

writing. A statement identifying which lands should be considered and why they should be considered for potential coal leasing must be included with the coal resource information. Proprietary coal resource information should be submitted to the following address by March 15, 1983. Minerals Manager, Central Region, Mail Stop 609, Box 25185, Denver Federal Center, Denver, CO 80225.

**FOR FURTHER INFORMATION CONTACT:** L. Mac Berta, Area Manager, or Jim Keeton, RMP/EIS Team Leader, Bureau of Land Management, 764 Horizon Drive, Grand Junction, CO 81501, telephone: commercial (303) 243-6552, FTS 323-0011.

David A. Jones,  
*District Manager.*

[FR Doc. 82-34859 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### Idaho Falls and Salmon Districts, Big Lost-Mackay Environmental Impact Statement; Notice of Intent

The Idaho Falls and Salmon Districts are in the process of developing land use plans and environmental impact Statement (EIS) on a proposed range management program for the Big Lost and Mackay units. The draft EIS is scheduled for release in April 1983 and an open house to receive comments is tentatively scheduled May 9, 1983. This notice describes alternatives being developed for the draft EIS.

The Big Lost and Mackay units contain 175,000 and 111,549 acres of public land respectively including parts of Custer and Butte counties in central Idaho. Draft land use plans have been prepared and a draft EIS is being prepared by an interdisciplinary team on range management programs for the areas.

Issues identified during the scoping process and development of Step 2 MFP which will be addressed in the EIS are:

1. What is the appropriate level of livestock grazing use in the Big Lost and Mackay units to maintain and improve the vegetation resources, and what affects would this have on livestock operations?
2. What range improvements are needed to facilitate more intensive rangeland management?
3. Would more intensive rangeland management have adverse effects on other resources in the units?

Based on inventories completed and information gained through the scoping and planning process, four alternatives have been defined for analysis in the

draft EIS. A brief description of each alternative follows:

**Alternative A.** This alternative was developed through the planning process. The level of livestock grazing would be 15,832 AUMs (1 AUM is the amount of forage needed for 1 cow for 1 month) in the Big Lost and 8,468 AUMs in the Mackay unit for a total of 24,300 AUMs in the EIS area. Proposed improvements would include 24 ponds, 27 spring developments, 20 miles of pipelining, 23 miles of fence, 15,000 acres of sagebrush control, and 5 water catchments. The 24,300 AUM level of grazing would be about 9 percent above the 5 year average use level of 22,376 AUMs.

**Alternative B.** This alternative was developed to improve range condition with a low level of range improvements. The level of livestock grazing would be 13,804 AUMs in the Big Lost and 7,860 AUMs in the Mackay units for a total of 21,664 AUMs in the EIS area. Proposed improvements would include 13 ponds, 12 spring developments, 8 miles of pipeline, 2 miles of fence, and 6,200 acres of sagebrush control. The 21,664 AUM level of grazing would be about 3 percent below the 5 year average use level of 22,376 AUMs.

**Alternative C.** This alternative was developed to show no action—it would maintain livestock grazing at the 5 year average use level. The level of grazing use would remain at 14,104 AUMs in the Big Lost and 8,272 AUMs in the Mackay units for a total of 22,376 AUMs in the EIS area. New range improvements could be constructed where required to insure current levels of livestock grazing or where funded by the range user or livestock organization. The level of range improvements would not exceed about 25 percent of those proposed in Alternative A.

**Alternative D.** This alternative was developed to show the effects of no livestock grazing. Under this alternative, 14,104 AUMs livestock grazing would be discontinued in the Big Lost and 8,272 AUMs in the Mackay units for a total of 22,376 AUMs in the EIS area. No new range improvements would be constructed.

This notice is in accordance with the Federal Land Policy and Management Act (Pub. L. 94-579), the National Environmental Policy Act (Pub. L. 91-190) 40 CFR 1501.7, and 43 CFR 1601.

Planning documents are available at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, ID and at the Salmon District Office, Highway 93, Salmon, ID. For further information contact O'dell A. Frandsen or Donald Watson, Bureau of Land Management,

940 Lincoln Road, Idaho Falls, ID 83401, telephone (208) 529-1020.

Dated: December 15, 1982.

O'dell A. Frandsen,  
District Manager.

[FR Doc. 82-34855 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### Idaho Falls District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Idaho Falls District Grazing Advisory Board will meet February 26, 1983.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho 83401. The meeting is open to the public. Interested persons may make oral statements to the Board between 11:30 a.m. and 12:00 noon or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the Idaho Falls BLM District Manager at the above address by February 2, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established.

The agenda for the meeting will include:

1. Election of officers.
2. District highlights.
3. Progress on maintenance agreements.
4. Range monitoring priorities.
5. Big Lost-Mackay Environmental Impact Statement.
6. Big Lost BLM/Forest Service coordinated AMP development.
7. Allotment Management Plans in the Quaking Aspen, Rudeen and Sunset Allotments.
8. FY '82 Range Improvement Summary.
9. Advisory Board fund projects.
10. Arrangements for the next meeting.

Summary minutes of the Board meeting will be kept in the District Office and be available for public inspection and reproduction, (during regular business hours) within 30 days following the meeting.

Dated: December 17, 1982.

O'dell A. Frandsen,  
District Manager.

[FR Doc. 82-34858 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### [M 10419]

### Montana; Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

December 16, 1982.

The Department of Transportation filed application for withdrawal and reservation of lands from mineral entry

for proposed highway construction. The Department has cancelled the application insofar as it affects the following described lands:

### Principal Meridian

#### Lolo National Forest

T. 18 N. R. 28 W.,

Sec. 19, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 21, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ NW $\frac{1}{4}$ .

The area described contains 478.14 acres in Mineral County, Montana.

Original application published in Federal Register, FR Document 68-15089, Volume 33, No. 246, pages 18948-49, December 19, 1968.

Therefore, pursuant to the Regulations contained in 43 CFR 2091.2-5(B)(1), at 8 a.m. on January 31, 1983, such lands will be relieved of the segregative effect of the above mentioned application.

Roland F. Lee,

Chief, Branch of Land Resources.

[FR Doc. 82-34854 Filed 12-22-82; 8:45 am]  
BILLING CODE 4310-84-M

### [U-52353]

### Utah; Notice of Invitation to Participate in Coal Exploration Program—Getty Mining Co.

Getty Mining Company is inviting all qualified parties to participate in a program for the exploration of coal reserves in the Skyline North Prospect area near Scofield, Utah. The lands are located in Carbon and Sanpete Counties, Utah, and are described as follows:

T. 13 S., R. 6, E., SLM, Utah

Sec. 2, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 3, lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 4, lots 1-11, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ,

S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 9, lots 1-11, N $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 10, lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ ;

Sec. 11, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 16, lots 1-8;

Sec. 21, lots 1, 3 & 4, E $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 28, lots 1-8;

Sec. 33, lots N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ,

SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Containing 4,707.23 acres, more or less.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 and to Mark L. Adkins/James W. Osborn, Getty Mining Company, P.O. Box 7900, Salt Lake City, Utah 84107. Such written notice must be received within 30 days after the publication of this notice in the Federal Register.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. A copy of the exploration plan, as submitted by Getty Mining Company is available for public review during normal business hours, in the following office, under Serial Number U-52353: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert Papworth,  
Deputy State Director for Operations.

December 16, 1982.

[FR Doc. 82-34856 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-84-M

### Minerals Management Service

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3392, Block 50, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 15, 1982.

John L. Rankin,  
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-34719 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-31-M

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3275, Block 331, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 15, 1982.

John L. Rankin,  
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-34888 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-MR-M

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4550, Block 712, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 17, 1982.

John L. Rankin,  
Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-34887 Filed 12-22-82; 8:45 am]

BILLING CODE 4310-31-M

### INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

#### Agency for International Development

#### Public Information Collection Requirements Submitted to OMB for Review

The International Development Cooperation Agency submitted the following public information collection requirement to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission may be obtained from the Agency for International Development Clearance Officer by calling (202) 632-0064.

Comments regarding this information collection should be addressed to the Reports Management Officer, Ms. Melita E. Yearwood, DM/IM, Room 714, SA-12, Washington, D.C. 20523; and to the OMB reviewer listed at the end of the entry no later than January 3, 1983.

Date Submitted: December 15, 1982.

Submitting Bureau: Agency for International Development.

OMB Number: 0412-0006.

Form Number: AID 1420-18.

Type of Submission: Extension.

Title: Offeror's Analysis of Cost Proposal.

Purpose: The form is used to obtain the cost and pricing data required in a manner directly suited to the needs of AID's contracting program.

OMB Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: December 15, 1982.

Linwood A. Rhodes,  
Chief, Information Management Division.

[FR Doc. 82-34726 Filed 12-22-82; 8:45 am]

BILLING CODE 6116-01-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carriers; Decision-Notice; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practiced (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special

rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Agatha L. Mergenovich,  
Secretary.

Note.—Please direct status inquiries to Team 1, (202) 275-7992.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

### Volume No. OP1-234

Decided: December 8, 1982.

MC-F-15012, file November 23, 1982. STOWERS AND SONS TRUCKING COMPANY (Route 1, Box 348, West Hamlin, WV 25571)—PURCHASE (PORTION)—NELSON TRANSFER & STORAGE COMPANY (P.O. Box 708, Charleston, WV 25323). Representative: John M. Friedman, P.O. Box 426, Hurricane, WV 25526. Stowers seeks to purchase Nelson's Certificate No. MC-14751 (Sub-No. 4)(M1F) which authorizes the radial transportation of commodities which because of size or weight requires the use of special equipment, and mine machinery, equipment, and supplies, between points in WV, and, points in KY, OH, VA, WV, and those in that part of PA west of U.S. Hwy 15. Wylie Stowers, Lyle C. Stowers, and Gregory B. Stowers, who control Stowers, seek authority to acquire control of the said operating authority through the transaction. Stowers holds Certificate No. MC-156879.

Note.—Inasmuch as applicant elected not to file a directly related gateway application, it can not be granted authority to tack the authority sought with its existing authority.

### Volume No. OP1-236

Decided: December 17, 1982.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC-F-15002, filed November 26, 1982. ROBERT H. CASTELLINI (Castellini)[2 Plum St., Cincinnati, OH 45202)—CONTINUANCE-IN-CONTROL—C.C. TRANSPORTATION COMPANY (CCT) (2 Plum St., Cincinnati, OH 45202). Representative: Philip B. Cochran, 50 West Broad St., Columbus, OH 43215. Castellini seeks authority to continue in control of CCT upon the institution by CCT of operations, in interstate or foreign commerce, as a motor common carrier. Castellini, an individual, controls CCT through 100 percent stock ownership of The Castellini Company, a non-carrier. Castellini also controls through 50 percent stock ownership, Riley Whittle, Inc., a common carrier in No. MC-117786.

Note.—CCT has filed its initial common carrier application in NO. MC-161150, published in the FR issue of April 8, 1982, and decision served on September 14, 1982, granting the authority as published.

[FR Doc. 82-34754 Filed 12-22-82; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice on 90-Day Intrastate Motor Common Carriers of Passengers

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the *Federal Register* on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922 (c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. 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 25 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 30 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.

Agatha L. Mergenovich,  
Secretary.

Note.— All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 1 at 202-275-7992.

#### Volume No. OP1-235

Decided: December 16, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 2890 (Sub-61), filed December 7, 1982. Applicant: AMERICAN BUSLINES, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655-7937. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in MC-2890 and (Sub-Nos. 18, 55, and 58), as follows: (A) in MC-2890, in part, (1) Sheet Nos. 2 and 3, between Pittsburgh, PA, and Los Angeles, CA, to provide intrastate service between (a) the junction of the MO-OK State line and the Will Rogers Turnpike, and the junction of the OK-TX State line and U.S. Hwy. 77, and (b) San Diego, CA, and Los Angeles, CA, and (2) Sheet No. 5, (a) between Baltimore, MD, and Emmitsburg, MD, and (b) between Philadelphia, PA, and Pittsburgh, PA, (B) in MC-2890 (Sub-No. 18), in part, (1) Sheet No. 1, between Chicago, IL, and Los Angeles, CA, to provide intrastate service between (a) Chicago, IL, and Aurora, IL, and (b) the junction of Oskaloosa, IA, and IA Hwy 92, and Des Moines, IA, and (2) Sheet No. 13, between Salt Lake City, UT, and San Francisco, CA, to provide intrastate service between Roseville, CA, and San Francisco, CA, and (C) in MC-2890 (Sub-Nos. 55 and 58) over all the routes which traverse PA, OH, IN, IL, and MO.

Please direct status inquiries to Team 4 at 202-275-7669.

#### Volume No. OP4-080

Decided: December 17, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 29957 (Sub-100), filed December 7, 1982. Applicant: TRAILWAYS SOUTHERN LINES, INC., 327 Gayoso St., Memphis, TN 38103. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on a route in No. MC-29957, in part; over the entire route described as Route 36 on sheet 5, between Gulfport and Biloxi, MS, over U.S. Hwy 90 and Pass Christian Road.

[FR Doc. 82-34753 Filed 12-22-82; 8:45 am]

BILLING CODE 7035-01-M

#### [Volume No. OP4-078]

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: December 16, 1982.

In the matter of Motor Common and Contract 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 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. 2,  
Members Carleton, Williams, Ewing,  
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."

Please direct status inquiries to Team Four at (202) 275-7669.

MC 13027 (Sub-29), filed December 7, 1982. Applicant: SHORTWAY LINES, INC., 1 Keeshin Dr., Toledo, OH 43612. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755-9500. 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 111256 (Sub-2), filed December 7, 1982. Applicant: DONALD W. BUCKINGHAM d.b.a. BUCKINGHAM BUS AND TAXI SERVICE, Station Ave., Groton, MA 01450. Representative: Donald N. Dunham, P. O. Box 281, 1298 Commonwealth Ave., #30, Allston, MA 02134, (617) 731-0382. 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 138297 (Sub-13), filed December 7, 1982. Applicant: CENTRAL FLORIDA COACH LINES, INC., P. O. Box 127, Mountaintop, PA 18707. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *passengers*, in charter and special operations, beginning and ending at points, in FL, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded Charter and special transportation.

MC 140247 (Sub-8), filed December 7, 1982. Applicant: ALLSTATE CHARTER LINES, INC., 3261 N. Marks, Fresno, CA 93790. Representative: Ellis Ross Anderson, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421-6743. 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 148796 (Sub-3), filed December 8, 1982. Applicant: MILLER BUS, INC., 52 Hackensack Heights Rd., Wappingers Falls, NY 12590. Representative: Harold Miller (same address as applicant), (914) 462-1791. 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 153637 (Sub-1), filed December 8, 1982. Applicant: L.F.S. COACH, INC., 2200 Ridge Rd., Baltimore, MD 21207.

Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. 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 162177, filed December 9, 1982. Applicant: SPORTS TRIPS, INC., 4081 Bringlewood Ct., Elgin, IL 60120. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *passengers*, in special and charter operations, beginning and ending at points in Boone, Bureau, Cook, DeKalb, DuPage, Kane, Kendall, Lake, LaSalle, Lee, McHenry, Ogle, Will, and Winnebago Counties, IL, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165067, filed December 7, 1982. Applicant: DASH TRANSPORTATION INC., 3950 Park Ave., Bronx, NY 10457. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755-9500. 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 165076, filed December 7, 1982. Applicant: GULF ATLANTIC & PACIFIC SHIPPERS SERVICES, INC., 2470 N. Hawk St., Simi Valley, CA 93056. Representative: Roy L. Larsen (same address as applicant), (805) 526-7240. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165077, filed December 8, 1982. Applicant: DAOINE SIDHE, P.O. Box 68, Pembroke, ME 04666. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751-2441. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165107, filed December 9, 1982. Applicant: GRANITE ENTERPRISES, INC., 11 Cloudland Rd., North Hartford, CT 06107. Representative: William R. Botticello, 3 Cobbs Rd., West Hartford, CT 06107, (203) 521-8636. As a *broker of general commodities* (except household goods) between points in the U.S. (except AK and HI).

[FR Doc. 82-34757 Filed 12-22-82; 8:45 am]

BILLING CODE 7035-01-M

**Motor Carriers; Permanent Authority Decisions; Decision-Notice**

[Volume No. OP4-077]

Decided: December 16, 1982.

In the matter of 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, and to conform to the requirements of Title 49, Subtitle IV,

United States Code, and the Commissions 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. 2,  
Members Carleton, Williams, Ewing.  
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 carrier of passengers are duly noted.

Please direct status inquiries to Team Four at (202) 275-7669.

MC 29957 (Sub-99), filed December 7, 1982. Applicant: TRAILWAYS SOUTHERN LINES, INC., 327 Gayoso St., Memphis, TN 38103. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Transporting *passengers*, over regular routes, between Houston, TX and Baton Rouge, LA, over Interstate Hwy 10, serving all intermediate points. Applicant states that it intends to track the authority herein with its present authorized operations.

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).

MC 57927 (Sub-5), filed December 7, 1982. Applicant: LONGYEAR'S EXPRESS, INC., P.O. Box 487, 5950 Fisher Rd., E. Syracuse, NY 13057. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836-1144. Transporting *such commodities* as are dealt in or used by telephone companies, between points in CT, MA, ME, NH, NY, RI, and VT.

MC 61396 (Sub-407), filed December 7, 1982. Applicant: HERMAN BROS., INC., 2565 St. Mary's Ave., Omaha, NE 68101. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *cement*, between points in Lehigh County, PA, on the one hand, and, on the other, points in the U.S. (except HI).

MC 85557 (Sub-6), filed December 8, 1982. Applicant: PAUL MUSSELEWHITE TRUCKING COMPANY, 1700 10th St., Levelland, TX 79336. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701 (512) 476-8066. Transporting *Mercer commodities, metal products and machinery*, between points in AR, AZ, CO, KS, LA, MS, MT, NE, NM, ND, OK, SD, TX and WY.

MC 111397 (Sub-139), filed December 7, 1982. Applicant: DAVIS TRANSPORT, INC., 1345 South 4th St., Paducah, KY 42001. Representative: H. S. Melton, Jr., P.O. Box 7406, Paducah, KY 42001, (502) 442-5442. Transporting *food and related products*, between points in Marshall County, MS, on the one hand, and, on the other, points, in AL, GA, IA, IL, KS, KY, LA, MN, MO, TN, and TX.

MC 116077 (Sub-440), filed December 9, 1982. Applicant: DSI TRANSPORTS, INC., P.O. Box 1505, Houston, TX 77001. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006, (202) 828-5015. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the

U.S. (except AK and HI), under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 124296 (Sub-5), filed December 6, 1982. Applicant: GEORGE L. BIGELOW TRUCKING, INC., 135 Wright St., P.O. Box 421, Delavan, WI 53115. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Stolper Industries, Inc., of Walworth, WI, and Ajay Enterprises Corporation, of Delavan, WI.

MC 128117 (Sub-49), filed December 7, 1982. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Edward T. Love, 4401 East West Hwy., Suite 404, Bethesda, MD 20814, (301) 986-9030. Transporting sugar, between points in Assumption Parish, LA, on the one hand, and, on the other, points in FL, GA, KY, MD, PA, TN and DC.

MC 134017 (Sub-11), filed December 2, 1982. Applicant: R.M. HENDERSON, d.b.a. H&M MOTOR LINES, P.O. Box 3585, Greenville, SC 29608. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, 803-288-6000. 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 Fabri-Kal Corp of Piedmont, SC.

MC 134167 (Sub-2), filed December 2, 1982. Applicant: CARRIER SERVICE CO. OF WISCONSIN, INC., 2621 South 5th Place, Milwaukee, WI 53207. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703, (608) 256-7444. Transporting *general commodities* (except commodities in bulk, household goods and Classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Geuder Paeschke & Company, of Milwaukee, WI.

MC 134426 (Sub-11), filed December 7, 1982. Applicant: McCORT Drive-A-Way, Inc., P.O. Box 5057, Jacksonville, FL 32207. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632-2300. Transporting *transportation equipment*, between points in the U.S. (except HI).

MC 138216 (Sub-2), filed December 6, 1982. Applicant: THOMAS EGGERS, 2004 Franklin, Las Vegas, NV 89104.

Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738-3889. Transporting *building materials*, between those points in the U.S. in and west of MT, WY, CO, OK, and TX.

MC 138627 (Sub-125), filed December 7, 1982. Applicant: SMITHWAY MOTOR XPRESS, INC., R.R. #5, Coalville, Blacktop Rd., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. 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 147727 (Sub-7), filed November 29, 1982. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: Scott Davis (same address as applicant), (509) 453-9549. Transporting *chemicals*, between points in WA, OR, CA, AZ, NV, UT, ID, and MT.

MC 15071 (Sub-4), filed December 3, 1982. Applicant: J.R.S. LEASING CHARTER, INC., 9445 South 51st Avenue, Oak Lawn, IL 60453. Representative: Joseph Winter, 29 South La Salle St., Chicago, IL 60603, (312) 263-2306. Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and wood products, between points in the U.S. (except AK and HI), under continuing contract(s) with Smurfit Diamond Packaging Corp., of Alton, IL.

MC 153277 (Sub-1), filed December 9, 1982. Applicant: TRINITY TRUCKING CO., INC., 105 Clubhouse Dr., Town Bank, NJ 08204. Representative: Raymond A. Thistle, Jr., Five Cottman Court, 426 Cottman St., Jenkintown, PA 19046, (215) 576-0131. Transporting *gypsum and gypsum products, building materials, paper and paper products, chemicals, and plastic products*, between points in the U.S. (except AK and HI).

MC 154306 (Sub-1), filed December 3, 1982. Applicant: COOPER AIR FREIGHT SERVICE, INC., 2810 Rudder Road, P.O. Box 16260, Memphis, TN 38118. Representative: James F. Flint, 406 World Center Building, 918 16th Street, N.W. Washington, D.C. 20006, (202) 883-1170. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in AR, MS, TN, MO, KY, IL, OH, MI, AL, and GA.

MC 158327, filed December 9, 1982. Applicant: EASTERN CONSOLIDATION AND

DISTRIBUTION SERVICES, INC., P.O. Box 3157, Shiremanstown, PA 17011. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in PA, on the one hand, and, on the other, points in MD, VA, WV, DE, NJ, NY, OH, PA, and DC.

MC 160496, filed December 6, 1982. Applicant: HARTER TRANSFER CORP., Prairie Ave., Sturgis, MI 49091. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *furniture and fixtures*, between points in Worcester County, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165026, filed December 6, 1982. Applicant: G & H TRANSPORT, INC., 1535 Glendale, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882-5649. Transporting *mining and construction materials, equipment and supplies, metal products, pipe and Mercer commodities*, between points in NV, CA, WA, OR, ID, MT, WY, UT, CO, AZ, NM, OK and TX.

MC 165046, filed December 7, 1982. Applicant: NORTHEAST CARRIERS, INC., 2814 Main St., Rocky Hill, CT 06067. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728-0700. Transporting *general commodities* (except classes A and B explosive, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ames Department Stores, Inc., and its subsidiary, Eastern Retailers Service Corporation, both of Rocky Hill, CT.

MC 165066, filed December 6, 1982. Applicant: BESKAU TRUCKING, INC., 19500 Goodwin Ave., Hastings, MN 55033. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722-2848. 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 The S & M Company, of Minneapolis, MN, Norris Creameries, Inc., of St. Paul, MN, and the Hastings Cooperative Creamery Company, of Hastings, MN.

[FR Doc. 82-34758 Filed 12-22-82; 8:45 am]

BILLING CODE 7035-01-M

**[Ex Parte No. 387]****Soo Line Railroad Co. et al;  
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.**DATES:** 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) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review board	Decided date
480	Soo Line Railroad Co., ICC-SOO-C-0023, Supplement 1, (Molten sulphur)	2	12-15-82
481	Burlington Northern Railroad Co., ICC-BN-C-0156, Supplement 2, (Coal)	1	12-15-82
482	Burlington Northern Railroad Co., ICC-BN-C-0219, (Coal)	2	12-15-82
483	Burlington Northern Railroad Co., ICC-BN-C-0216, (Wheat)	3	12-15-82
484	Burlington Northern Railroad Co., ICC-BN-C-0215, (Food products)	1	12-15-82
485	Burlington Northern Railroad Co., ICC-BN-C-0214, (Grain and grain products)	2	12-15-82
486	Burlington Northern Railroad Co., ICC-BN-C-0020-A, (Soda Ash)	3	12-15-82
487	Burlington Northern Railroad Co., ICC-BN-C-0210,	1	12-15-82

Sub-No.	Name of railroad, contract No., and specifics	Review board	Decided date
488	Burlington Northern Railroad Co., ICC-BN-C-0162, (Coal)	2	12-15-82
489	Missouri Pacific Railroad Co., ICC-MP-C-0051, Supplement 2, (Grain and soybeans) Via Ports at Ama, Myrtle Grove, New Orleans, and Port Allen, LA and Beaumont, Corpus Christi, Galveston, and Houston, TX	3	12-15-82
490	Union Pacific Railroad Co., ICC-UP-C-0172, (Chemicals)	3	12-15-82
491	Union Pacific Railroad Co., ICC-UP-C-0162, 0164, 0168, and 0170, (Foodstuffs, frozen)	1	12-15-82
492	Union Pacific Railroad Co., ICC-UP-C-0176, 0177, 0178, 0179, and 0180, (Foodstuffs)	2	12-15-82
493	Union Pacific Railroad Co., ICC-UP-C-0174, (Coke, coal)	3	12-15-82
494	Bessemer and Lake Erie Railroad Co., ICC-BLE-C-0006, Supplement 1, (Bituminous coal)	1	12-15-82
495	Southern Pacific Transportation Co., ICC-SF-C-0284, (Petroleum lubricating oil, petroleum, partially refined for further processing)	2	12-15-82

\*Review Board No. 1 Members Parker, Chandler, and Fortier. 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)

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-34885 Filed 12-22-82; 8:45 am]

BILLING CODE 7035-01-M

**Motor Carriers; Finance Applications;  
Decision Notice**

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 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 reconsideration; 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 1181.4 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 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 20 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.  
Agatha L. Mergenovich,  
Secretary.

Note.—Please direct status inquiries to Team 1, (202) 275-7992.

**Volume No. OP1-FC-233**

MC-FC-81059. By decision of December 14, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to Western States Trucking, Inc., of Salt Lake City, UT, of Certificate No. MC-145660 (Sub-No. 3) issued March 25, 1982, to George O. Bair, doing business as Western States Trucking, of Salt Lake City, UT, authorizing the transportation of lumber, lumber mill products and wood fiber building materials (1) from points in OR and WA to points in CO, UT, WY, and ID (except Ada, Blaine, Boise, Camas, Canyon, Elmore, Gem, Gooding, Jerome, Lincoln, Owyhee, Payette, Twin Falls and Washington Counties ID), and (2) from points in CA in and north of Calaveras, Napa, San Joaquin, Solano, Sonoma and Tuolumne Counties, CA, to points in UT, WY, and ID (except Ada, Blaine, Boise, Camas, Canyon, Elmore, Gem, Gooding, Jerome, Lincoln, Owyhee, Payette, Twin Falls and Washington Counties, ID). Applicant's representative: Irene Warr, 311 South State St., Suite 280, Salt Lake City, UT 84111.

For the following, please direct status calls to Team 3 (202) 275-5223.

**Volume No. OP3-MC-FC-60**

MC-FC-81064. By decision of December 15, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3

approved the transfer to GTS, Inc., Danielsville, PA, of a portion of Certificate No. MC 124535 (Sub-No. 4)X, issued July 19, 1982, to SWANSON BOAT TRANSPORT CORP., Rye, NY, authorizing the transportation of textile mill products, (a) between New York, NY, Westchester County, NY, and Fairfield County, CT, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, and DC; and (b) between points in MA, ME, NH, VT, RI, CT, NY, and NJ. An application for temporary authority has been filed. Condition: Upon consummation of this transaction, transferor's authority in MC 124535 is cancelled pursuant to his request. Representatives: Edward L. Nehez, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068 for transferor, and George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, for transferee.

[FR Doc. 82-34752 Filed 12-22-82; 8:45 am]  
BILLING CODE 7035-01-M

[Docket No. AB-52 (Sub-No. 21)A]

**Rail Carriers; Atchison, Topeka and Santa Fe Railway Company—Abandonment—in Livingston, LaSalle, Woodford and Tazewell Counties, IL; Notice of Findings**

The Commission has issued a certificate authorizing the Atchison, Topeka and Santa Fe Railway Company (Santa Fe): (1) to abandon its rail line between milepost 48.3 west of Morton, IL to milepost 57.9 at Pekin, IL, a distance of approximately 9.6 miles and (2) to discontinue trackage rights operations over the Toledo, Peoria and Western Railroad Company between Streator Junction, IL (milepost 30.66) and Pekin Junction, IL (milepost 36.6) and over Consolidated Rail Corporation between milepost 56+3783' and milepost 57+3170 in Pekin. The certificate is subject to certain conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail

service are contained in 10905 and § 1152.27(b) (2) and (3) (formerly 49 C.F.R. 1121.38(b) (2) and (3)).

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-34755 Filed 12-22-82; 8:45 am]  
BILLING CODE 7035-01-M

[AB-52 (Sub-No. 20)]

**Rail Carriers; Atchison, Topeka and Santa Fe Railway Company Abandonment in Carson County, TX; Notice of Findings**

The Commission has issued a certificate authorizing The Atchison, Topeka and Santa Fe Railway Company to abandon its 10.4-mile rail line between White Deer Milepost 0.0 and Skellytown Milepost 10.4 in Carson County, Tx. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 (formerly 49 CFR 1121.38).

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-34756 Filed 12-22-82; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 30070]

**Rail Carriers; Louisville and Nashville Railroad Company—Abandonment Exemption—Between Tacoma and Gurnee Junction, AL**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Louisville and Nashville Railroad Company of 9.95 miles of track in Shelby

County, AL, subject to standard labor protection.

**DATES:** This exemption will be effective on January 21, 1983. Petitions to stay the effectiveness of this decision must be filed by January 3, 1983, and petitions for reconsideration must be filed by January 12, 1983.

**ADDRESSES:** Send pleadings to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioners' representative: Fred R. Birkholz, 500 Water Street, Jacksonville, Florida 32202.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer; (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, contact T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-34761 Filed 12-22-82; 8:45 am]  
BILLING CODE 7035-01-M

**DEPARTMENT OF JUSTICE**

**National Institute of Justice Advisory Board; Meeting**

Notice is hereby given that the Executive Committee of the National Institute of Justice Advisory Board will hold public hearings on January 10, 1983 from 1:00 p.m. to 5:00 p.m. at the Opryland Hotel, 2800 Opryland Drive, Nashville, Tennessee.

These hearings are being held in conjunction with the Midwinter Conference of the American Correctional Association. Executive officials of the American Correctional Association and correctional practitioners will present to the Executive Committee their views on current needs and research priorities for the corrections field.

The hearings are open to the public. For further information, please contact Betty M. Chemers, National Institute of Justice, U.S. Department of Justice, Washington, D.C. 20531 (202/724-2953).

Dated: December 14, 1982.

James K. Stewart,  
Director.

[FR Doc. 82-34729 Filed 12-22-82; 8:45 am]  
BILLING CODE 4410-18-M

## Antitrust Division

**United States v. British Columbia Forest Products Limited, et al.; Proposed Final Judgment and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16(b)-(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Minnesota in *United States of America v. British Columbia Forest Products Limited and The Mead Corporation*, Civil Action No. 4-78-357. The Complaint in this case alleged that the acquisition of the Blandin Paper Company ("Blandin") by British Columbia Forest Products Limited ("BCFP") violated Section 7 of the Clayton Act, 15 U.S.C. 18. Named as defendants were BCFP, The Mead Corporation ("Mead"), and Noranda Mines Limited ("Noranda"). At the time the Complaint was filed, Mead and Noranda each owned, directly or indirectly, 28.5 percent of the outstanding common shares in BCFP and were competitors of Blandin in the manufacture and sale of coated groundwood paper. On January 28, 1982, Noranda was dismissed from the lawsuit following the sale on November 30, 1981, of all its stock interest in BCFP.

The proposed Consent Judgment orders that Blandin be maintained as a separate and distinct corporate entity. In addition, the Judgment enjoins Mead from acquiring any securities of Blandin; from acquiring substantially all of the assets of Blandin; from exercising or attempting to exercise any control, supervision, or influence over any policy, decision, or action regarding any aspect of Blandin's coated groundwood paper business; and from taking any action to obtain any competitively sensitive information concerning Blandin. The Judgment further prohibits Mead from designating more than three nominees for election to membership on BCFP's board of directors and prohibits members of Mead's board of directors from also serving as directors of BCFP after April 30, 1983. Mead and BCFP are required to establish a program to insure compliance with the proposed Judgment, and they must submit periodic reports to the Department of Justice describing the steps that they have taken to comply with the Judgment.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should

be directed to: John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, Room 7218, U.S. Department of Justice, Washington, D.C. 20530, Telephone: 202/633-2425.

Joseph H. Widmar,  
*Director of Operations.*

**U.S. District Court, District of Minnesota, Fourth Division**

*United States of America, Plaintiff v. British Columbia Forest Products Limited and the Mead Corporation, Defendants.*

Civil Action No. 4-78-357.

Filed: December 13, 1982.

**Stipulation**

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff: William F. Baxter,  
*Assistant Attorney General; Mark Leddy, John W. Poole, Attorneys, Antitrust Division, U.S. Department of Justice; Willie L. Hudgins, Jr., Attorney, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, Telephone: (202) 633-2574.*

For the Defendants: John D. French, John F. Beukema, *Faegre & Benson, 1300 Northwestern Bank Building, Minneapolis, Minnesota 55402, Telephone: (612) 371-5300, Attorney for Defendant British Columbia Forest Products Limited; Terrence C. Sheehy, Peter E. Moll, Howrey & Simon, 1730 Pennsylvania Avenue, NW, Washington, D.C. 20006, Telephone: (202) 783-0800, Attorney for Defendant, The Mead Corporation; Matthew J. Levitt, Levitt, Palmer, Bowen, Bearmon & Rotman, 500 Roanoke Building, Minneapolis, Minnesota 55402, Telephone: (612) 339-0661, Attorney for Defendant, The Mead Corporation.*

Stipulation approved for filing.

Dated: \_\_\_\_\_

*United States District Judge.*

**U.S. District Court, District of Minnesota, Fourth Division**

*United States of America, Plaintiff v. British Columbia Forest Products Limited and the Mead Corporation, Defendants.*

Civil Action No. 4-78-357.

Filed: December 13, 1982.

**Final Judgment**

Plaintiff United States of America having filed its complaint herein on August 17, 1978, and defendants The Mead Corporation ("Mead") and British Columbia Forest Products Limited ("BCFP") having answered the complaint and denied the allegations thereof, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment, and without this Final Judgment constituting any evidence against, or any admission by, any party with respect to any issue of fact or law herein:

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction over the subject matter herein and over the parties hereto. The complaint states a claim upon which relief may be granted under Section 7 of the Clayton Act (15 U.S.C. 18).

II.

As used in this Final Judgment:

(A) The term "Mead" shall mean the Mead Corporation, its subsidiaries and divisions, including, but not limited to, Brunswick Pulp and Paper Company and Northwood Pulp and Timber Limited. The term "Mead" shall also mean its officers, directors, agents, employees, and all other persons acting on behalf of Mead, Brunswick Pulp and Paper Company, Northwood Pulp and Timber Limited, or any of Mead's subsidiaries or divisions.

(B) The term "BCFP" shall mean British Columbia Forest Products Limited, its subsidiaries and divisions, excluding Blandin Paper Company; and also includes its officers, directors, agents, employees, and all other persons acting on behalf of BCFP or any of its subsidiaries or divisions, excluding Blandin Paper Company.

(C) The term "Blandin" shall mean Blandin Paper Company, its successors, subsidiaries and divisions, which prior to August 31, 1977 were owned by the C. K. Blandin Trust, and since that date have been operated as a subsidiary of BCFP; and also includes its officers, directors, agents, employees, and all other persons acting on behalf of Blandin or any of its subsidiaries or divisions.

(D) The term "person" shall mean any individual, corporation, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission, or other such business or legal entity.

(E) "Coated groundwood paper" shall mean a type of printing paper which contains more than ten percent (10%) groundwood fiber in the base stock and is coated to improve its appearance and printing surface.

(F) "Competitively sensitive information" shall mean information on current or future production, current or future capacity, manufacturing processes, or the marketing or sales of coated groundwood paper which is not otherwise generally available to firms in the coated groundwood paper industry.

### III

This Final Judgment applies to defendants and to their officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

### IV

Mead shall notify plaintiff by registered mail received by the Assistant Attorney General, Antitrust Division, United States Department of Justice, Washington, D. C., 20530 ten (10) days prior to acquiring, directly or indirectly, securities of BCFP or the voting rights to such securities (except shares received through a stock split, stock dividend or other proportional stock distribution) in addition to the 7,130,716 common shares it owns at this date directly and the 6,203,881 common shares it owns at this date indirectly through its 50% interest in Brunswick Pulp and Paper Company.

### V

Mead shall not designate more than three nominees for election to membership on BCFP's board of directors and no more than two of the nominees so designated shall be officers or employees of Mead; provided that, in the event of a change in the total number of directors on BCFP's Board, the number of nominees which Mead may designate under this Final Judgment shall be changed, first to a proportionate decimal number and then rounded down to the next smaller integer. Effective no later than April 30, 1983, no member of BCFP's board of directors shall be a director of Mead.

### VI

(A) Blandin shall be maintained as a separate and distinct corporate entity, with its own board of directors and management.

(B) The officers, directors, employees, and representatives of Mead are enjoined from serving as officers, directors or employees of Blandin.

(C) Mead is enjoined from designating or otherwise participating in any way in the selection of officers, directors, employees or consultants of Blandin.

(D) Mead is enjoined from attending, voting or otherwise participating at any portion of any BCFP board meeting which deals with any matter relating, directly or indirectly, to Blandin's production, manufacture, capacity, marketing or sale of coated groundwood paper.

(E) Mead is enjoined from entering into or maintaining, any agreement or understanding with any other BCFP shareholder relating to the voting of BCFP securities, except for (1) the agreement relating to the voting of BCFP shares owned by Brunswick Pulp and Paper Company; and (2) the agreement among BCFP, Mead, Scott Paper Company, Alberta

Energy Company Limited, Brunswick Pulp & Paper Company, and 233622 B.C. Ltd., dated June 18, 1981 (the so-called "Standstill Agreement") and any renewal without material modification of said "Standstill Agreement."

(F) Mead is enjoined from exercising or attempting to exercise, in any way, directly or indirectly, any control, supervision or influence over any policy, decision or action regarding any aspect of Blandin's production, capacity, marketing or sale of coated groundwood paper, including, but not limited to, the selection of personnel.

(G) Mead is enjoined from taking any action to obtain or attempt to obtain, directly or indirectly, from BCFP or Blandin any competitively sensitive information concerning Blandin, except that BCFP may provide information that is necessary for Mead to comply with the laws and regulations of the United States or Canada or any of their political subdivisions or agencies, requirements of any stock exchange, or the rules and regulations of the Canadian Institute of Chartered Accountants, the Financial Accounting Standards Board of the United States, or similar bodies to satisfy equity or other applicable accounting requirements.

(H) BCFP and Blandin are enjoined from providing to Mead any competitively sensitive information concerning Blandin, except that BCFP may provide information that is necessary for BCFP or Mead to comply with the laws and regulations of Canada or the United States or any of their political subdivisions or agencies, requirements of any stock exchange, or the rules and regulations of the Canadian Institute of Chartered Accountants, the Financial Accounting Standards Board of the United States, or similar bodies to satisfy equity or other applicable accounting requirements.

(I) Any information concerning Blandin provided to Mead pursuant to the above paragraphs (G) and (H), shall be provided only in writing and Mead and BCFP shall retain copies of all such information for a period of ten (10) years from date of entry of this Final Judgment. At the end of each twelve (12) month period from the date of entry of this Final Judgment until its termination, Mead and BCFP shall provide copies to the Department of Justice of all information provided pursuant to paragraphs (G) and (H).

### VII

(A) Within sixty (60) days after the date of entry of this Final Judgment, BCFP, Blandin and Mead shall each furnish a conformed copy to: (1) Each of their respective officers and directors; and (2) each employee and managing agent having supervisory responsibility for or authority over the manufacture or sale of coated groundwood paper, and shall advise and inform each such person that violation of this Final Judgment could result in a conviction for contempt of court and imprisonment and/or fine.

(B) Within thirty (30) days after each such person becomes an officer, director, employee or managing agent as described in paragraph (A) above, BCFP, Blandin or Mead as the case may be shall furnish to such

person a copy of this Final Judgment together with the advice specified by said paragraph (A).

(C) Within sixty (60) days after the date of entry of this Final Judgment, Mead, BCFP and Blandin shall each advise each of its respective officers, directors, employees or managing agents described in paragraph (A) above of its and their obligation under this Final Judgment and shall maintain a program to insure compliance with this Final Judgment, which program shall include at a minimum the following with respect to the persons described above:

(1) The annual distribution to them of this Final Judgment or a summary thereof;

(2) The annual submission to them of a written directive setting forth Mead, BCFP, or Blandin's respective policy regarding compliance with this Final Judgment; and

(3) The holding of one or more meetings with them to review the terms of this Final Judgment and the obligations it imposes.

(D) Commencing with the date of entry of this Final Judgment, Mead and BCFP each shall file with the plaintiff, and under seal with the Court, an annual sworn statement by a responsible official designated by each of them to perform such duties setting forth all steps it has taken during the preceding twelve (12) months to discharge its obligations under this Section VII and that to the best of the official's knowledge and belief Mead (as to the certification by the Mead official) and BCFP and Blandin (as to the certification by the BCFP official) are in compliance with this Final Judgment. This statement shall be accompanied by copies of all written directives issued by each of them during the prior twelve (12) months with respect to compliance with this Final Judgment.

### VIII

(A) For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust division, and on reasonable notice to defendants made to their principal offices, shall be permitted:

(1) Access during office hours of defendants, which may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendants, and without restraint or interference from them, to interview the officers, directors, employees, and agents of defendants, who may have counsel present, regarding any matters contained in this Final Judgment.

(B) Defendants, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(C) No information or documents obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the executive branch of the United States Government, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(D) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to that defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which such defendant is not a party.

#### IX

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction, implementation, or modification of all of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

#### X

This Final Judgment shall expire ten (10) years after the date of its entry. If BCFP should sell or otherwise dispose of all its interests in Blandin during said ten (10) year period, the defendants shall not be bound by Sections IV through VII of this Final Judgment immediately upon such sale or disposition; provided however, that if defendants have been so relieved of these obligations under this Final Judgment before the end of ten (10) years by operation of the preceding clause, and if BCFP thereafter (within such ten (10) year period) reacquires any interest in Blandin, all of the provisions of this Final Judgment shall again be applicable and shall apply for the remaining period until ten (10) years after the date of entry of this Final Judgment. Further, if Mead should sell or otherwise dispose of all of its interests in BCFP during said ten (10) year period, the defendants shall not be bound by Sections V through VII of this Final Judgment immediately upon such sale or disposition; provided however, that if defendants have been so relieved of these obligations under this Final Judgment before the end of ten (10) years by operation of the preceding clause, and if Mead thereafter (within such ten (10) year period) reacquires any interest in BCFP and if BCFP has an ownership interest in Blandin, all of the provisions of this Final Judgment shall again be applicable and shall apply for the remaining period until ten (10) years after the date of entry of this Final Judgment. Notwithstanding the above, and except for Mead's ownership interest in

BCFP, at no time during the period ten (10) years after the date of entry of this Final Judgment shall Mead own or acquire, directly or indirectly, any securities, or the voting rights of such securities, of Blandin, nor shall Mead own or acquire, directly or indirectly, all or substantially all of the assets of Blandin. Nothing in this Final Judgment shall affect the obligations of any party under 15 U.S.C. 18a.

#### XI

The making and entry of this Final Judgment shall not constitute any bar or estoppel against any subsequent suit or proceeding which may be instituted by the plaintiff herein arising out of any further acquisition by Mead, directly or indirectly, of any additional securities or the voting rights of any additional voting securities of BCFP other than the BCFP securities owned by Mead as of December 7, 1982, except shares received through a stock split, stock dividend, or other proportional stock distribution.

#### XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court, District of Minnesota,  
Fourth Division

United States of America, Plaintiff v,  
British Columbia Forest Products Limited  
and The Mead Corporation, Defendants.

Civil Action No. 4-78-357.

Filed: December 13, 1982.

#### Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment ("Judgment") submitted for entry in this civil antitrust proceeding.

#### I. Nature and Purpose of the Proceeding

On August 17, 1978, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. 25, alleging that the acquisition of the Blandin Paper Company ("Blandin") of Grand Rapids, Minnesota by British Columbia Forest Products Limited ("BCFP") of Vancouver, British Columbia, Canada, violated Section 7 of the Clayton Act, 15 U.S.C. 18. At the time of the complaint, The Mead Corporation ("Mead") of Dayton, Ohio, and Noranda Mines Limited ("Noranda") of Toronto, Ontario, Canada each owned, directly or indirectly, 28.5 percent of the outstanding common shares in BCFP for a combined majority of 57 percent. Part of Mead's ownership in BCFP is based on its 50 percent ownership interest in Brunswick Pulp and Paper Company ("BP&P"), which owns 26 percent of the outstanding common shares in BCFP.

Mead and Noranda along with BCFP were named defendants. The complaint alleged that the effect of the acquisition may be substantially to lessen competition in the manufacture and sale of coated groundwood paper throughout the United States. The

complaint sought divestiture of Blandin by BCFP or, in the alternative, that Mead and Noranda divest themselves of their respective stock in BCFP.

Plaintiff and defendants have stipulated that the Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the Judgment will terminate the action, except that the Court will retain jurisdiction to construe, modify, or enforce the provisions of the Judgment, and to punish violations of the Judgment. This action was previously terminated against defendant Noranda on January 28, 1982, when Noranda was dismissed without prejudice following the sale by Noranda on November 30, 1981, of all its stock interest in BCFP.

#### II. Events Giving Rise to the Alleged Violation

Coated groundwood paper is a type of printing paper used primarily in the publication of magazines and catalogues. It is also used in book publishing, commercial printing, and for converting purposes. In 1976, approximately 2.2 million tons of coated groundwood paper, having a value of approximately \$1 billion, were sold in the United States. In 1978, there were a total of twelve domestic producers of coated groundwood paper of which the top four accounted for 56.47 percent of total shipments from United States plants and the top eight accounted for 84.40 percent. The complaint alleged that the production and sale of coated groundwood paper is a relevant product market under Section 7 of the Clayton Act.

Blandin, Mead and Noranda are direct competitors in the manufacture and sale of coated groundwood paper. In 1978, Blandin was the third largest producer of coated groundwood paper with 12.23 percent of total shipments from United States plants; Mead was the seventh largest with 6.38 percent; and Noranda, through Fraser, Inc., a 55 percent owned subsidiary of Noranda, was the tenth largest with 3.89 percent.

The United States would have contended that Mead and Noranda, through their joint ownership of a majority of the outstanding BCFP shares, had the power to control and influence the policies and activities of Blandin.

The complaint alleged that the effect of the acquisition of Blandin by BCFP may be substantially to lessen competition in the manufacture and sale of coated groundwood paper in the United States.

#### III. Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The Judgment states that it does not constitute any evidence against or any admission by, any party as to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the Judgment is conditioned upon a determination by the Court that the Judgment is in the public interest.

The Judgment is designed to restore and maintain competition between Blandin and Mead in the manufacture and sale of coated

groundwood paper. The Judgment orders that Blandin be maintained as a separate and distinct corporate entity, with its own board of directors and management. In addition, the Judgment enjoins Mead from owning or acquiring any securities, or the voting rights to such securities, of Blandin; from owning or acquiring all of substantially all of the assets of Blandin; from exercising or attempting to exercise any control, supervision, or influence over any policy, decision, or action regarding any aspect of Blandin's coated groundwood paper operations; from voting or participating at any BCFP board meeting which deals with any matter relating to Blandin's coated groundwood paper operations; from designating or participating in the selection of officers, directors, or employees of Blandin; from designating more than three nominees for election to membership on BCFP's board of directors; from acquiring additional stock in BCFP without first giving the plaintiff ten (10) days notice or such acquisition; \* and from taking any action to obtain any competitively sensitive information concerning Blandin. Any information concerning Blandin given to Mead by Blandin or BCFP shall be provided only in writing, and Mead and BCFP shall provide the plaintiff with copies of all such information at the end of each twelve (12) month period from the date of entry of the Judgment.

Moreover, officers, directors, employees, and representatives of Mead are enjoined from serving as officers, directors or employees of Blandin. After April 30, 1983, no member of BCFP's board of directors can also be a director of Mead.

The Judgment requires Mead and BCFP to establish a program to insure compliance with the Judgment. Mead and BCFP must submit periodic reports to the plaintiff describing the steps that they have taken to comply with the Judgment.

The Judgment will remain in effect for ten (10) years from its date of entry and applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with the defendants who have received actual notice of the Judgment.

#### IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damage the person has suffered, as well as costs and reasonable attorney fees. Entry of the Judgment will neither impair nor assist the bringing of any private antitrust damage actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the Judgment has no *prima facie* effect in any

\* On December 7, 1982, pursuant to an offer by BCFP to sell 16,940,894 additional common shares, Mead purchased directly 2,533,132 shares of BCFP common stock and indirectly through BP&P 2,203,861 shares. Mead purchased a sufficient number of shares under the new offering to maintain its current ownership interest in BCFP at approximately 28 percent.

private lawsuit that may be brought against the defendants.

#### V. Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person wishing to comment upon the Judgment may within the statutory 60-day comment period submit written comments to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530. These comments and the Department's responses will be filed with the Court and published in the *Federal Register*. All comments will be given due consideration by the Department, which remains free to withdraw its consent to the Judgment at any time prior to entry. The Judgment provides that the Court retains jurisdiction over this action, and any of the named parties may apply to the Court for any order necessary or appropriate for its modification, interpretation, or enforcement.

#### VI. Alternatives to the Proposed Final Judgment

The sale by Noranda of all its stock interest in BCFP provided a major portion of the relief sought by the complaint in this case. Divestiture by Mead of its BCFP stock was the only remaining objective necessary to fulfill completely the alternative form of relief sought in the complaint. A trial on the merits to obtain divestiture by Mead was considered by the United States as an alternative to the Judgment. However, the United States elected, for three reasons, not to pursue this alternative and to accept, instead, the relief obtained in this Judgment. First, the outcome of such a trial was uncertain since the anticompetitive effects would now have to be based on Mead's minority stock interest in BCFP. Second, a trial would have consumed a substantial portion of the Antitrust Division's resources, thereby diverting those resources from other important activities. Third, given Mead's minority stock interest in BCFP, the Noranda divestiture, and the decline in concentration in the manufacture and sale of coated groundwood paper that has occurred since the filing of the complaint, the injunctive relief accomplished by this Judgment should ameliorate the threat to competition posed by BCFP's acquisition of Blandin. For these reasons, the United States believes that the Judgment is a reasonable alternative to a trial on the merits seeking divestiture by Mead and that entry of the Judgment is in the public interest.

#### VIII. Determinative Materials and Documents

The Department did not consider any materials or documents of the type described in section 2(b) of the Antitrust Procedures and Penalties Act in formulating the Judgment. Consequently, no such materials or documents are being filed with this Competitive Impact Statement.

Dated: December 13, 1982.

Respectfully submitted,

Willie L. Hudgins, Jr.,

Attorney, Antitrust Division, Department of Justice, Washington, D.C. 20530, Telephone: (202) 633-2574

#### Certificate of Service

I, Willie L. Hudgins, Jr., counsel for the plaintiff, United States of America, hereby certify that a copy of the attached Competitive Impact Statement has been served this day of December, 1982, by first class mail, postage prepaid, upon the following:

John D. French, Esq., Faegre & Benson, 1300 Northwestern Bank Building, Minneapolis, Minnesota 55402, Attorney for Defendant BCFP

Terrence C. Sheehy, Esq., Howrey & Simon, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006, Attorney for Defendant Mead

Matthew J. Levitt, Esq., Levitt, Palmer, Bowen, Bearmon & Rotman, 500 Roanoke Building, Minneapolis, Minnesota 55402, Attorney for Defendant Mead

Willie L. Hudgins Jr.,

Attorney, Antitrust Division, U.S. Department of Justice.

[FR Doc. 82-34762 Filed 12-22-82; 8:45 am]

BILLING CODE 4410-01-M

#### Proposed Consent Decree in Action To Enjoin Violations of the Clean Water Act by the City of Baton Rouge Louisiana

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 23, 1982, a proposed Consent Decree in *United States v. City of Baton Rouge*, Civil Action No. 82-1053-A, was lodged with the District Court for the Middle District of Louisiana.

The proposed consent decree requires the City to implement a remedial plan which will bring its Central Treatment Plant into compliance with its NPDES permit. In addition, the City will pay a civil penalty of \$100,000.

The proposed decree may be examined at the office of the United States Attorney for the Middle District of Louisiana in Baton Rouge, Louisiana; at the Region VI office of the Environmental Protection Agency, Enforcement Division, 1201 Elm Street, Dallas, Texas, 75270; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th and Pennsylvania Avenue, N.W. Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting

a copy, please enclose a check in the amount of \$1.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. City of Baton Rouge*, Civil Action No. 82-1053-A, D.J. Reference No. 90-5-1-1567.

Carol E. Dinkins,

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 82-34731 Filed 12-22-82; 8:45 am]

BILLING CODE 4410-01-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Humanities Panel; Meeting

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506.

**DATE:** January 8, 1983.

**TIME:** 9:00 a.m. to 5:30 p.m.

**ROOM:** 314.

**PROGRAM:** This meeting will review interdisciplinary Independent Study and Research applications, submitted to the Division of Fellowships and Seminars, for projects beginning after June 1, 1983.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would

significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

*Advisory Committee, Management Officer.*

[FR Doc. 82-34801 Filed 12-22-82; 8:45 am]

BILLING CODE 7536-01-M

### Music Advisory Panel (Opera-Musical Theater Section)

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Section) to the National Council on the Arts will be held on January 5-7, 1983, from 9:00 a.m.-5:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on January 5, from 1:00 p.m.-5:00 p.m. and on January 6 and 7, from 9:00 a.m.-5:00 p.m. to discuss guidelines.

The remaining sessions of this meeting on January 5, from 9:00 a.m.-12:00 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

December 17, 1982.

[FR Doc. 82-34895 Filed 12-22-82; 8:45 am]

BILLING CODE 7537-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Policy and Procedures; Meeting

The ACRS Subcommittee on Regulatory Policy and Procedures will hold a meeting on January 13 and 14, 1983, Room 1046, 1717 H Street, NW, Washington, D.C. The Subcommittee will continue its review of matters related to nuclear regulatory reform.

In accordance with the procedures outline in the *Federal Register* on October 1, 1982 (47 FR 4374), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee and its Staff. Persons desiring to make oral statements should notify the cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting will be as follows:

*Thursday and Friday, January 13 and 14, 1983—8:30 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee members may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and others regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Marvin C. Gaske

(telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: December 20, 1982.

John C. Hoyle,  
Advisory Committee Management Officer.

[FR Doc. 82-34901 Filed 12-22-82; 8:45 am]

BILLING CODE 7590-01-M

### Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on January 21, 1983, Room 1046 at 1717 H Street NW., Washington, DC. The Subcommittee will review the severe fuel damage research program.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for the session which will be closed to ensure the security of information identified and supplied by foreign governments in confidence (Sunshine Act Exemption 4). To the extent practicable, the closed session will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

*Friday, January 21, 1983—8:30 a.m. until the conclusion of business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepared telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber or

Mr. Don Bucci (Telephone 202/634-3267), between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close a session of this meeting to public attendance to protect information supplied by foreign governments. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: December 20, 1982.

John C. Hoyle,  
Advisory Committee Management Officer.

[FR Doc. 82-34900 Filed 12-22-82; 8:45 am]

BILLING CODE 7590-01-M

### OFFICE OF MANAGEMENT AND BUDGET

#### "Intergovernmental Review of Federal Programs;" Availability of Document on Final Regulatory Policy Issues and Decisions; Implementation of Executive Order 12372

**AGENCY:** Intergovernmental Affairs Division and Associate Director for Management, Office of Management and Budget.

**ACTION:** Notice of document availability.

**SUMMARY:** Executive Order 12372, "Intergovernmental Review of Federal Programs," was signed by President Reagan on July 14, 1982. Section 5 of the Order calls for final agency rules by April 30, 1983, governing the formulation, evaluation, and review of proposed Federal financial assistance and direct Federal development and OMB approval of these rules. A 21-agency task force, chaired by OMB, was established to assure consistent Government-wide implementation. A product of this group is a document on 31 regulatory policy issues and decisions.

Notice is given of the availability of this document in advance of joint publication of agency NPRMs on or about January 15, 1983. Early notice of regulatory decisions is made to highlight the policy change/opportunity for state and local governments and the Federal approach to minimum regulation of state and local governments. Any comments on this document should accompany comments on the NPRMs during the 60-day public comment period starting on or about January 15, 1983.

**ADDRESS FOR COPY:** Copies are available by calling James F. Kelly, (202) 395-3774 or writing to James F. Kelly, Deputy Associate Director for Intergovernmental Affairs, Office of

Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503.

Harold I. Steinberg,

Associate Director for Management.

[FR Doc. 82-34763 Filed 12-22-82; 8:45 am]

BILLING CODE 3110-01-M

### SECURITIES AND EXCHANGE COMMISSION

[Release No. 19342; File No. S7-433]

#### Receipt of Amendment to Consolidated Tape Association Plan

December 15, 1982.

On November 1, 1982, the participants in the Consolidated Tape Association ("CTA") submitted to the Commission, pursuant to Rules 11Aa3-1 and 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), an amendment to the Restated and Amended Plan ("CTA Plan").<sup>1</sup>

#### I. Description of the Amendment

The amendment increases the ticker, ticker display, interrogation unit and ticker line charges contained in schedules A-1 through A-4, attached to the CTA Plan as Exhibit D. The CTA participants indicate that the increased charges are necessary to offset the increased costs of making available last sale information. The new rates will become effective on January 1, 1983.

#### II. Request for Comment

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment became effective upon filing with the Commission. The Commission, however, may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act. Accordingly, in order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, within 21 days from the date of publication of this notice in the

<sup>1</sup> See Securities Exchange Act Release No. 16983 (July 16, 1980), 45 FR 49414.

**Federal Register.** The amendment to the CTA Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. S7-433.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>2</sup>

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-34843 Filed 12-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12905; 812-5319]

### GIT Cash Trust; Filing of an Application

December 16, 1982.

In the matter of GIT Cash Trust, 1800 North Kent Street, Arlington, Virginia 22209 (812-5319).

GIT Cash Trust ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application and an amendment thereto for an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a-4 and 22c-1 thereunder to the extent necessary to: permit Applicant to compute its net asset value per share to the nearest one cent on a share value of \$1.00; and to permit Applicant to purchase variable rate instruments. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Applicant represents that it is a Massachusetts business trust that will maintain two separate portfolios, the "Regular Money Market Portfolio" ("Regular Portfolio") and the "Government Money Market Portfolio" ("Government Portfolio"), and that each portfolio will invest exclusively in money market instruments. Applicant seeks to achieve high current income consistent with investments in high quality debt securities appropriate to each of its portfolios. Applicant's Government Portfolio may only invest in U.S. Government securities and repurchase agreements involving the same. Applicant's Regular Portfolio may invest in "high grade", conventional, money market instruments denominated in U.S. dollars and issued or guaranteed by domestic banks, foreign branches of

domestic banks, foreign banks and their domestic branches, savings and loan associations, finance companies, insurance companies, and other corporations. "High grade" securities in which the Regular Portfolio may invest include: (1) All U.S. Government securities; (2) commercial paper rated Prime-1 by Moody's Investors Service, Inc. ("Moody's") or rated A-1 by Standard & Poor's Corporation ("S&P"), or, if not rated, possessing a credit standing deemed equivalent by the adviser pursuant to procedures approved by the board of trustees; (3) corporate obligations with a remaining maturity of not more than one year that are rated Aa or better by Moody's or rated AA or better by S&P, or, if not rated, possessing a credit rating deemed equivalent by the adviser pursuant to procedures approved by the board of trustees; (4) any obligation of a bank or savings and loan association having total assets of at least \$750 million as of the end of its most recent fiscal year, provided it earned a profit during that year; (5) money market instruments issued, accepted, or guaranteed by foreign banks, corporations or other entities, provided the investment is denominated in U.S. dollars and meets the same quality standards applicable to domestic investments; and (6) appropriate repurchase agreements.

Applicant represents that any loans of portfolio securities will conform with applicable guidelines established by the Commission and Applicant's board of trustees. In determining whether to lend securities to a particular broker, dealer, or other financial institution, Applicant's adviser will consider the credit of the borrowing institution. Applicant will not enter into any securities lending agreement having a duration of greater than one year, and any securities with maturities in excess of one year that Applicant receives as collateral for a particular loan will not become part of Applicant's portfolio either at the time the loan is made or in the event the borrower defaults on its obligation to return the loaned securities.

Applicant proposes to acquire variable rate instruments for each of its portfolios having the following features: (1) Each instrument would have an interest rate determined by a prescribed formula and adjusted at periodic intervals which do not exceed one year; (2) Applicant could at any time demand prepayment of the unpaid principal balance plus accrued interest thereon and would be entitled to prepayment within a prescribed notice period not to exceed seven calendar days; (3) issuers could, at their discretion, prepay the outstanding principal plus accrued

interest thereon upon notice to Applicant within a period comparable to the notice periods required of Applicant for demand prepayments; (4) an adjustment feature which causes the variable rate instrument to have a current market value which approximates its par value whenever a new rate is established; (5) absent an earlier exercise by Applicant or an issuer of their respective prepayment privileges, the principal under each instrument would be payable on a date exceeding one year from the date of purchase by Applicant; and (6) each variable rate instrument acquired by Applicant will be determined under procedures prescribed by Applicant's board of trustees to present minimal credit risks and will be rated by a major rating service consistent with the Applicant's rating restrictions for its portfolios, or, if not rated, will be determined pursuant to procedures approved by the board of trustees to be comparable to money market instruments of "high grade". Applicant represents that its board of trustees will reevaluate, at least on a quarterly basis, its variable rate instruments to ensure that they are of high quality. Applicant further represents that it will dispose of any variable rate instrument if, due to an adverse change in the issuer's credit, the investment is no longer of high quality. Applicant agrees to consider the maturity of its variable rate instruments, for purposes of computing its dollar-weighted average maturity, as the longer of: (i) The period remaining until the next interest rate readjustment, or (ii) the notice period required before Applicant is entitled to prepayment.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant submits that the penny-rounding method of valuing its portfolio securities, including variable rate instruments, subject to the conditions enumerated above, will enable Applicant to offer the stability of principal and steady flow of predictable and competitive income that investors demand. The penny-rounding valuation

<sup>2</sup> 17 CFR 200.30-3(a)(27).

method will enable Applicant to maintain a constant net asset value of \$1.00 per share for each of its portfolios under most circumstances and thereby permit it to serve the interests and requirements of shareholders. Applicant states that its board of trustees has determined in good faith that, absent unusual or extraordinary circumstances, the penny-rounding valuation method will be in the best interests of its shareholders. Finally, Applicant submits that the requested exemption satisfies the standards of Section 6(c) of the Act.

Applicant expressly agrees that the following conditions may be imposed in any order granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's adviser, Applicant's board of trustees undertakes—as a particular responsibility within the overall duty of care owed to Applicant's shareholders—to assure, to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that the net asset value per share of Applicant's Regular Portfolio and its Government Portfolio as computed for the purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from \$1.00; and

2. Applicant will maintain a dollar-weighted average maturity of its Regular Portfolio and its Government Portfolio appropriate to its objective of maintaining a stable net asset value per share, and Applicant will not (a) purchase any instrument with a remaining effective maturity of greater than one year, or (b) maintain a dollar-weighted average effective maturity in excess of 120 days; and

3. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which Applicant's board of trustees determined present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined under procedures approved by the board of trustees.

Notice is hereby given that any interested person may, not later than January 10, 1983, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or such person may request notification

should the Commission order a hearing therein. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-31841 Filed 12-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12907; 812-4504]

#### IDS Cash Management Fund, Inc.; Filing of Application

December 16, 1982.

In the matter of IDS Cash Management Fund, Inc., 1000 Roanoke Building, Minneapolis, Minnesota 55402 (812-4504).

Notice is hereby given that IDS Cash Management Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on November 26, 1982, requesting an order, pursuant to Section 6(c) of the Act, to amend a previous order of the Commission exempting Applicant from the provisions of Rule 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to compute its price per share to the nearest one cent on one dollar. The amended order would restate the limitations on Applicant's portfolio investments. All interested persons are referred to the application on file with the Commission for statement of the representations contained therein, which are summarized below.

The application states that on August 24, 1979, the Commission issued an order (Investment Company Act Release No. 10838) ("previous order") exempting Applicant from the provisions of Rules 2a-4 and 22c-1 under the Act to the

extent necessary to permit Applicant to compute its price per share to the nearest one cent on one dollar. Applicant now seeks to have the previous order amended to restate the limitations regarding the investments Applicant may purchase for its portfolio. Specifically, Applicant requests that the previous order be amended by deleting subparagraph 3 set forth on page 2 thereof and substituting therefore the following provision:

3. That Applicant will limit its purchase of portfolio instruments, including repurchase agreements, to those United States dollar-denominated instruments which its board of directors determines present minimal credit risks and which are of "high quality," as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of directors.

The application states that the previous order in all other respects shall remain unchanged.

The previous order limited Applicant's portfolio investments only to the following: (i) Obligations issued or guaranteed by the United States Government or its agencies or instrumentalities; (ii) bank certificates of deposit, bankers' acceptances and documented discount notes (letters of credit) of United States Banks and their branches outside of the United States and of the United States branches of foreign banks; (iii) repurchase agreements for securities in which Applicant is otherwise permitted to invest; and (iv) high-grade commercial paper of domestic issuers. Applicant states that it now wishes to expand its portfolio investments to include other high-quality instruments which its board of directors determines present minimal credit risks. The application states that although Applicant initially became interested in expanding its portfolio investments only to include the high-grade commercial paper of certain foreign issuers, Applicant desires broader investment authority so as to give it the flexibility to invest in other high-grade investments as market conditions change. As the yields on some of these high-quality instruments become increasingly attractive, it is contended that the proposed amendment will better enable Applicant to achieve its investment goal of maximum current income consistent with liquidity and conservation of capital. Applicant also submits that the proposed amendment is consistent with the provisions of proposed Rule 2a-7 under the Act, as set forth in Investment Company Act Release No. 12206 (February 1, 1982).

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 10, 1983, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-34839 Filed 12-22-82; 8:45 am]  
BILLING CODE 8010-01-M

#### Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

December 18, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Hazleton Laboratories Corporation  
Common Stock, \$.10 Par Value (File  
No. 7-6394)  
MGM/UA Home Entertainment Group,  
Inc.  
Common Stock, \$1 Par Value (File No.  
7-6395)  
American Century Corporation  
Common Stock, \$1 Par Value (File No.  
7-6396)  
McDermott International Inc.  
Common Stock, \$1 Par Value (File No.  
7-6397)  
Mesa Offshore Trust  
Units of Beneficial Interest (File No. 7-  
6398)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before January 10, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-34940 Filed 12-22-82; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 22785; 70-6816]

#### Mississippi Power & Light Co.; Proposal To Issue and Sell at Competitive Bidding First Mortgage Bonds and Preferred Stock

December 17, 1982.

In the matter of Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205 (70-6816).

The Mississippi Power & Light Company ("MP&L"), an electric utility subsidiary of Middle South Services, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

MP&L proposes to issue and sell at competitive bidding up to \$80 million

aggregate principal amount of first mortgage bonds and up to 100,000 shares of preferred stock, \$100 par value, in one or more series and/or in one or more sales, from time to time, during the period ending December 31, 1983. Each series of bonds will have a term of not less than five nor more than thirty years and will be sold at a price to MP&L, exclusive of accrued interest, of not less than 98% nor more than 101% of the principal amount of each series of bonds. Each new series of preferred stock will be sold at a price to MP&L of not less than \$100 nor more than \$102.75 per share plus accumulated dividends, if any.

Each series of new bonds will be issued under a mortgage and deed of trust, dated September 1, 1944, as heretofore supplemented and as to be further amended by supplemental indentures dated as of the first day of the month in which a particular series is issued. Each supplemental indenture will contain a four or five-year restriction on the refundability or redemption of the bonds at a lower effective interest cost. The terms of each series of stock will include a similar five-year prohibition against redemption. MP&L may also provide for incremental redemption of the stock through the operation of a sinking fund commencing five or more years after the date of issuance.

The sales of the bonds and stocks are separate transactions not contingent one upon the other. MP&L may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy pursuant to Rule 50(a)(5) under the Act (HCAR No. 22623, September 2, 1982). MP&L also indicates, however, that it may eventually request an exception from all competitive bidding requirements under Rule 50(a)(5) to offer the bonds and/or stock through either negotiated or private sales. The net proceeds from the issuance and sale of the bonds and stock will be used for the financing, in part, of MP&L's construction program and for other corporate purposes.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 10, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy of the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be

filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-34848 Filed 12-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12906, 812-5311]

### Plaza One Money Market Fund; Filing of Application

December 16, 1982.

In the matter of The Plaza One Money Market Fund (Formerly, The Crossroads Fund), 82 Devonshire Street, Boston, Massachusetts 02109 (812-5311).

Notice is hereby given that The Plaza One Money Market Fund ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open end, diversified, management investment company, filed an application on September 9, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its assets pursuant to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the rules thereunder for the complete text of the provisions thereof from which an exemption is being sought.

According to the application, Applicant is a "series" money market fund offering to individuals, corporations, fiduciaries and institutions a means to invest in a professionally managed portfolio of certain money market instruments with the objective of seeking as high a level of current income as is consistent with the preservation of capital and liquidity. Applicant currently has only one "series" but may include additional series in the future. Applicant states that each series will be subject to the conditions specified in the order. Fidelity Management & Research Company will serve as investment

adviser to Applicant and will receive a fee at an annual rate of .25 percent of the average net assets of Applicant. Fidelity Distributors Corporation will serve as general distributor for Applicant's shares. Merchants National Bank and Trust Company of Indianapolis ("Merchants") will serve as administrator for Applicant, performing services as custodian of Applicant's assets and as transfer, dividend disbursing and shareholders' servicing agent. Merchants will receive a monthly fee at an annual rate of .25 percent of the average daily net assets of Applicant plus reimbursement for its out-of-pocket expenses for performing these services. It is anticipated that Applicant's shares will be offered by Fidelity Distributors primarily to prospective investors who have an existing relationship with Merchants. Such prospective investors are expected to include those with a custody or agency relationship with Merchants or investors for whom Merchants serves as trustee. Merchants may provide cash management services to such customers by, for example, entering into agreements pursuant to which it would automatically invest excess cash balances of such customers in shares of Applicant or redeem shares to provide cash to such customers when needed. Merchants may charge a fee to the customer for providing this service. Applicant states that Merchants does not control the activities, investments or operations of the Applicant. Additionally, Applicant represents that the present policy of the Applicant is not to purchase any obligations of Merchants, Merchants National Corp. or any of their affiliates.

Applicant states that its one presently existing portfolio—a Money Market Portfolio—will invest in obligations of major banks, including United States dollar-denominated obligations of foreign branches of United States banks, prime commercial paper and obligations of the United States Government, its agencies or instrumentalities. The Applicant may also enter into repurchase agreements involving any security in which it is permitted to invest, and may purchase new issues of government securities on a "when-issued" basis. Applicant represents that all of its investments will consist of obligations maturing within one year from the date of acquisition and that the dollar-weighted average portfolio maturity thereof will be 120 days or less.

Applicant asserts that it must have a stable net asset value (preferably at \$1.00 per share) and a constant and steady flow of investment income. Applicant further states that it is

believed that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling Applicant to maintain a constant \$1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned. Applicant represents that its trustees have determined in good faith that in light of its characteristics as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that use of the amortized cost method of valuing its portfolio securities, subject to the conditions enumerated below, will benefit its shareholders by enabling the Applicant to more effectively maintain the \$1.00 per share purchase and redemption price while simultaneously providing the opportunity for a steadier flow of investment income to shareholders. Applicant believes that the granting of the requested exemptions by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly, the Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit its use of the amortized cost method to value its portfolio securities.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably

designed, taking into account current market conditions and the Applicant's investment objectives, to stabilize the net asset value per share of each portfolio, computed for the purpose of distribution, repurchase and redemption, at \$1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the \$1.00 amortized cost price per share, and the maintenance of records of such review.<sup>1</sup>

(b) In the event such deviation from the \$1.00 amortized cost price per share exceeds  $\frac{1}{2}$  of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated.

(c) If the board of trustees believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results which may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the Applicant's average portfolio maturity of the relevant portfolio; withholding dividends; redemption of shares in kind; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain in each portfolio a dollar-weighted average portfolio maturity which exceeds 120 days.<sup>2</sup>

<sup>1</sup>To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include, inter alia, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

<sup>2</sup>In fulfilling this condition, Applicant agrees that, if the disposition of a portfolio instrument should result in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments in each portfolio, including repurchase agreements, to those United States dollar-denominated instruments which Applicant's board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service, or in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than January 10, 1983, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter

its available cash in such a manner as to reduce such average maturity to 120 days or less as soon as reasonably practicable.

orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-34847 Filed 12-22-82; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-19344; File No. SR-AMEX-82-22]

**Self-Regulatory Organizations;  
Proposed Rule Change by the  
American Stock Exchange, Inc.;  
Relating to Options on Narrow-Based  
Stock Indices**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 23, 1982, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's  
Statement of the Terms of Substance of  
the Proposed Rule Change**

The American Stock Exchange, Inc. ("Amex" or the "Exchange") is proposing to list options on narrow-based stock indices covering the following industry groups:

Aerospace/Air Transport  
Drugs  
Electronics/Instrumentation and Components  
Financial Services  
Hospital Management/Specialties/Supplies  
Information Technology  
Media/Entertainment  
Merchandising  
Metals  
Oil and Gas  
Oil Services

Transactions in these options would be governed by the rules of the Exchange which apply to stock index options generally (Part V, Section 11 of the Exchange's rules, captioned "Stock Index Options"). The terms of most of those rules already apply to narrow-based, as well as broad-based stock indices. However, a few rules require amendment in order to clarify or extend

their application to narrow-based stock index options. In this regard, the Exchange is proposing to establish position and exercise limits of 30,000 contracts for options on the stock index groups it is proposing to designate. The Exchange is also proposing to clarify its rules to establish that after approving options contracts in respect to a particular stock index group, the Exchange may occasionally alter the stocks included in the group if in the Exchange's opinion such an alteration is necessary or appropriate to maintain the quality and/or character of the index to which the group relates.

The Exchange is also proposing to delete a commentary which would list the specific stock index groups that the Exchange has approved for options trading.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), (C), below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In File No. SR-AMEX-82-8, as amended by Amendment No. 1 thereto, the Exchange proposed to trade options on both broad-based and narrow-based stock indices. That submission set forth generic rules which would apply to transactions in options on either type of index, explained the economic uses of both types of options, stated the Exchange's reasons for believing that the proposal was consistent with the purposes of the Securities Exchange Act of 1934 (the "Act"), and requested specific approval of options on the Amex Market Value Index ("Amex Index"), a broad-based index which takes into account all common stocks and warrants traded on the Exchange. Thus, the Commission's approval of SR-AMEX-82-8 on November 18, 1982, in addition to specifically authorizing the Exchange to list options on the Amex Index, constitutes an approval, in principle, of trading in options on narrow-based indices pursuant to the Exchange's new rules.

The purpose of the instant filing is to propose the 11 narrow-based indices listed above for specific approval by the Commission.

Each index will be market weighted (i.e., the price of each stock comprising the index would be weighted by the number of shares outstanding), and updated index values will be disseminated once per minute. The Exchange will establish a base value between 49 and 101 for each index (i.e., the aggregate market value of the stocks comprising each index will be set equal to a number between 49 and 101 on the date the index is initiated).

The contract specifications for options on each industry group index will be as follows:

- The numerical index value (defined in Exchange Rule 900C) will be the actual index value. For example, if an underlying index were at 75, the numerical index value would be 75 and the exercise price of an at-the-money option would also be 75.

- Exercise prices will be established at five point intervals below an exercise price of 100 and at ten point intervals above an exercise price of 100. These intervals are the same as those which now apply to options on individual stocks. Exercise prices will bracket the current numerical index value, and new exercise prices will be introduced as the numerical index value changes. The procedure for introducing new exercise prices will be the same as the procedure now used with respect to individual stock options.

- The index multiplier for each industry group index option contract will be 100.

- Options on each industry group index will be traded on a March-June-September-December expiration cycle, with three expiration dates available for trading at any given time (i.e., the options will be introduced with three, six and nine months to expiration).

In connection with proposing specific industry categories for narrow-based stock indices, the Exchange is proposing to amend Rule 901C (Designation of Stock Index Options), Rule 904C (Position Limits), and Rule 905C (Exercise Limits).

Proposed new paragraph (b) of Rule 901C is intended to make clear that the designation by the Exchange (and concomitant approval by the Commission) of an industry group index runs to the industry category and not to the specific stocks included in the category at the time of designation. Although the Exchange will make all reasonable effort to keep constant the particular stocks comprising an industry

group on which an underlying index is based, it may be necessary or desirable to revise the group for various reasons. For example, a stock included in an underlying group might cease to meet the requirements for continued inclusion in the group set forth in Rule 916C; or, an issuer included in a particular industry category might diversify its operations in a manner which resulted in its no longer being representative of that category. In general, the Exchange will endeavor to keep constant the number of stocks included in an industry group; i.e., for each stock deleted, a substitute stock will generally be added. The Exchange may occasionally increase or decrease the total number of stocks in a group.

The Exchange is proposing to delete the Commentary under Rule 901C which would list the names of specific underlying indices in order to avoid confusion which might result from a discrepancy between the indices actually underlying options traded on the Exchange and those listed in its printed rules. This discrepancy would occur for a short period of time whenever the Exchange began trading options on a new index, because of the time lag between the new listing and the appearance of the reference to the new index in the Exchange's published rules. The deletion of the Commentary referring to specific indices would conform the Exchange's rules concerning stock index options to its rules concerning options on stocks and Government securities; the latter rules do not refer to specific securities which underlie listed options.

Rules 904C and 905C, as explained in File No. SR-AMEX-82-8, currently establish position and exercise limits of 40,000 contracts for options on stock indices based on 50 or more stocks. In the instant filing, the Exchange is proposing to establish position and exercise limits of 30,000 contracts for options on stock indices based on less than 50 stocks. Since the Exchange is proposing to establish a base value for each index no greater than 100 and an index multiplier of 100 for each option contract, the 30,000 contract position and exercise limits hereby proposed would cover a maximum value of \$300,000,000 per underlying index at the Commencement of options trading. These limits seem well within reason, as the lowest market value of any of underlying industry groups proposed by this submission (as calculated on November 12, 1982) is approximately \$17 billion.

The implementation of trading in options on the industry group stock

indices and the adoption of the rule amendments herein proposed by the Exchange would be consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Exchange, and, in particular, Section 6(b)(5) of the Act. Such options will provide members of the public with useful new investment and hedging opportunities; and the rule changes proposed by this filing will facilitate the maintenance of fair and orderly markets, help to prevent fraudulent and manipulative acts and practices, and promote just and equitable principles of trade, thereby protecting investors and the public interest.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule changes set forth herein will not impose any burden on competition.

#### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments on the proposed rule changes set forth herein were neither solicited nor received.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, Judiciary Plaza, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 16, 1982.

George A. Fitzsimmons,  
Secretary.

#### Attachment A—Description of Proposed Stock Indices for Amex Narrow-Based Stock Index Options

In its filing of Amendment No. 1 to File No. SR-AMEX-82-8, the Amex stated that it contemplated introduction of options on stock index groups comprised of specific categories of stocks such as those representative of particular industries. It also explained how such options might be used by investors to achieve specific investment objectives. This memorandum now describes the particular industry groups which have been selected and the parameters involved in the selection.

The stock groups proposed herein are those which the Exchange believes cover important sectors of the U.S. economy and in which there are sufficient numbers of U.S. corporations which meet the Exchange's requirements for inclusion in the groups. The Exchange formulated these groups with reference to the requirements of Exchange Rule 901C, and also with reference to the following guidelines:

(1) The corporations included be representative of all segments of the particular category and in general be limited to those corporations having the larger stock market values in the group, and

(2) The group not include such a large number of stocks that replication of the index through holding a limited position in stocks included in the index would be difficult.

The parameter with respect to avoiding excessively large numbers of stocks in the groups is intended to facilitate trading between stocks and options thus serving to keep the two markets aligned. This is especially important in view of the cash settlement feature of the options.

Hereunder, we have listed the specific narrow-based stock groups on which we propose options.

Sub-index designation	No. of stocks	Market value Nov. 12, 1982	Per-cent <sup>1</sup>
Aerospace/air transport .....	11	\$17.077	1.76
Drugs .....	14	48.1556	0.82
Electronic/instrumentation and components .....	34	28.9934	1.04
Financial services .....	30	57.5719	0.52

Sub-index designation	No. of stocks	Market value Nov. 12, 1982	Per-cent <sup>1</sup>
Hospital management/specialties s/supplies .....	14	31.6032	0.95
Information technology .....	33	91.0251	0.33
Media/entertainment .....	27	33.47	0.90
Merchandising .....	42	56.6726	0.53
Metals .....	27	20.2017	1.49
Oil and gas .....	20	142.5809	0.21
Oil services .....	18	26.4621	1.13

<sup>1</sup>Proposed position limit as a percent of market value (assumes \$10,000 underlying index value).

The proposed calculation system for the narrow-based stock indices utilizes market weighting similar to that used for the Amex Market Value Index, with the exception that no adjustments will be made for cash dividends. This is similar to the system used to calculate the NYSE and S&P 500 indices.

The initial index number for the new indices will be set at a level from 50 to 100 so that in utilizing the Exchange's multiplier of 100, the initial underlying dollar value of the indices will all be in the range of \$5,000 to \$10,000 per individual option contract.

An examination of the market values of the individual stocks in each of the proposed sub-index groups shows a relatively broad distribution of values, with the exception of the Information Technology group in which IBM accounts for over 50% of the market value of the group. However, even for this group, the proposed position limit of 30,000 contracts (\$10,000 per contract) would constitute only 0.6% of the market value of IBM common stock, so that the proposed position limit can still be considered reasonable.

Dissemination of the new indices would be conducted in the same manner as described in File No. SR-AMEX-82-8 for the Amex Market Value Index.

[FR Doc. 82-34842 Filed 12-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19332; File No. SR-OCC-82-26]

#### Options Clearing Corporation; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

December 14, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") notice is hereby given that on December 10, 1982, The Options Clearing Corporation ("OCC") filed with the Commission a proposed rule change that would amend OCC's foreign currency options exercise settlement and buy-in procedures.

Specifically, OCC's proposal will provide clearing members with an additional means of satisfying foreign currency delivery obligations. Under OCC's current rules, foreign currency delivery obligations are not satisfied until OCC receives the underlying foreign currency in its account at OCC's

foreign correspondent bank.<sup>1</sup> Under the proposed rule change, a clearing member can meet its foreign currency delivery obligations by delivery of a tested or guaranteed telex to OCC's foreign correspondent bank, from a bank guaranteeing that payment of foreign currency is forthcoming, provided OCC is allowed immediate use of, and redelivery rights with respect to, the foreign currency advanced by OCC's foreign correspondent bank on the basis of such a tested or guaranteed telex.

In addition, the propose rule change would permit OCC to settle option exercises with a receiving member, notwithstanding a failure by the delivering clearing member to make timely delivery of the foreign currency underlying the options contract. Under the proposed rule change, in addition to OCC's authority to require a receiving member to buy-in foreign currency, OCC will be able, in its discretion, to complete the foreign currency delivery even though a delivering clearing member has failed to meet its settlement obligations. To facilitate the delivery of foreign currency to the receiving clearing member under this alternative, OCC will be authorized to borrow foreign currency and/or U.S. dollars to meet the defaulting member's delivery obligation. In addition, the delivering clearing member will be obligated to pay OCC any fees, interest or other charges incurred by OCC in connection with borrowing foreign currency and/or U.S. dollars to meet the member's delivery obligations.<sup>2</sup> Finally, the proposed rule will grant OCC authority to buy-in foreign currency against the account of the delivering clearing member in the event OCC has borrowed foreign currency and delivered it to the receiving clearing member but has not received the foreign currency from the delivering clearing member. Consistent with OCC's existing rules respecting

member buy-in's of foreign currency, OCC will be required to execute a buy-in no later than two days after OCC has delivered the borrowed foreign currency to the receiving clearing member.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-82-26.

Copies of the submission, with accompanying exhibits, and all written comments, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A of the Act. By allowing delivering clearing members to settle by tested or guaranteed telex, the proposed rule change facilitates the cost-effective settlement of foreign currency options exercises. The proposal provides an additional means for clearing members to meet foreign currency delivery obligations and should facilitate members' ability to invest settlement funds overnight<sup>3</sup> without exposing OCC to any additional risk.<sup>4</sup>

The proposed rule change also facilitates the prompt and orderly settlement of foreign currency option exercises by enabling controlled and expeditious settlement of exercised options contracts notwithstanding delivery delays abroad. By permitting OCC to borrow foreign currency to meet

a defaulting member's delivery obligations and then buy-in to cover the loan, the proposed rule change enables OCC to complete foreign currency settlement in a safe and timely manner. Under the rule change, OCC will buy-in foreign currency against the account of the defaulting clearing member whenever OCC has borrowed funds to meet that member's delivery obligations and has not received the foreign currency from the delivering clearing member on time, and it will charge the defaulting clearing member for any costs incurred in borrowing and buying-in. Moreover, because OCC is obligated under its existing rules to settle exercised foreign currency call options in the event the delivering member defaults, the proposed rule change enables OCC to control the performance of that obligation more effectively.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing in that trading of foreign currency options contracts began on the Philadelphia Stock Exchange on December 10, 1982. It is in the interest of prompt and accurate clearance and settlement of foreign currency option exercises and the efficient resolution of fails for OCC to have all of its major systems complete and available for use at the inception of foreign currency options trading. Because an option contract is exercisable upon issuance, a fail in foreign currency options could occur as early as December 17, 1982. For those reasons, OCC's complete settlement and buy-in procedures should be in place now.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

**George A. Fitzsimmons,**  
Secretary.

[FR Doc. 82-34846 Filed 12-22-82; 8:45 am]

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[File No. SR-OCC-82-7]

### Options Clearing Corporation; Order Approving Proposed Rule Change

December 14, 1982.

On March 9, 1982, OCC filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, a proposed rule change that would empower OCC

<sup>1</sup> OCC's foreign currency exercise settlement procedures consist of three steps. First, prior to the opening of business on the day before settlement date, clearing members who receive obligations must pay OCC the aggregate exercise price for all foreign currency option contracts due to settle the following day. Second, on the exercise settlement date, clearing members with delivery obligations must direct delivery of the underlying foreign currency from their respective foreign correspondent bank account to OCC's correspondent bank account. Third, after the first two steps are successfully completed and OCC receives notice from its correspondent bank that the specified foreign currency has been delivered, OCC will pay the delivering member the aggregate exercise price and concurrently cause OCC's foreign correspondent bank to deliver the foreign currency to the account of the receiving clearing member at that member's foreign correspondent bank.

<sup>2</sup> Under the proposed rule change, OCC will be authorized to withdraw such amounts from delivering clearing members' bank accounts.

<sup>3</sup> A member that chooses to meet foreign currency delivery requirements by delivering foreign currency to the account of OCC at OCC's foreign correspondent bank, in lieu of delivering a tested or guaranteed telex, may lose the overnight use of that foreign currency.

<sup>4</sup> A tested or guaranteed telex for delivery of foreign currency constitutes a transaction between two banks. OCC has indicated that neither the initiating nor the receiving bank has any recourse against OCC when funds are advanced to OCC pursuant to a tested or guaranteed telex and thereafter delivered at OCC's instructions.

to issue options on certain certificates of deposits ("CDs") issued by certain U.S. domiciled banks ("CD options"), to clear and settle CD options transactions, and to process and settle CD options exercises. OCC's filing is designed to facilitate the trading of CD options on the American Stock Exchange.<sup>1</sup>

Notice of the proposed rule change together with its terms of substance was provided by publication of a Commission Release (Securities Exchange Act Release No. 18885, July 14, 1982) and by publication in the Federal Register (47 FR 33353, August 2, 1982). The Commission received one letter of comment.<sup>2</sup> OCC did not solicit or receive any comments.

In addition, OCC filed several clarifying non-substantive amendments to the proposed rule change on October 1, 1982.<sup>3</sup>

### Description of the Proposed Rule Change

In proposing rules that would provide for the issuance, clearance and settlement of CD options transactions and for processing and settlement of CD options exercises, OCC has, to the extent possible, paralleled the OCC rules approved by the Commission respecting options on several other debt instruments [i.e., options on Government National Mortgage Association securities ("GNMA options") and options on Treasury notes bonds and bills (collectively "Treasury options").]<sup>4</sup> Where OCC has varied from its systems established for processing GNMA and Treasury options, it has done so to accommodate the unique characteristics of CDs and to reflect the manner in which CDs are traded in the CD cash market.

#### 1. CD Option Contracts

The proposed rule change provides for OCC's issuance of uncertificated options on certificates of deposits issued by any one of a small number of "top tier" banks that are regarded, in the CD

dealer market, as highly credit-worthy and that are traded interchangeably in that market on a "no name" basis.<sup>5</sup> The underlying security in the case of a single CD put or call option contract will be a "90-day" certificate of deposit in a principal amount of one million dollars issued by any of the top tier banks.<sup>6</sup>

#### 2. CD Clearing Members

In addition to meeting the financial and other requirements associated with membership in OCC, clearing members will have to receive special authorization from OCC to maintain positions at OCC in CD options. Consistent with the rules for becoming a GNMA and Treasury securities clearing member, to become a CD clearing member, at least two key employees will be required to attend OCC readiness review sessions and successfully complete OCC's operational and financial examinations relating to debt securities options. OCC believes that such special training is necessary because the processing of debt securities differs in important respects from the system used for stock options.

#### 3. Processing of CD Options

OCC will process purchases and sales of CD options as well as CD option exercises. OCC will use the same systems to process purchases and sales of CD options that it uses to process

purchases and sales of equity, GNMA and Treasury options and that the Commission recently approved for processing transactions in foreign currency options.<sup>7</sup> The processing of purchases and sales of CD options will entail receiving compared transactions from the American Stock Exchange, issuing and (in the case of closing transactions) cancelling the appropriate contracts and effecting the corresponding premium settlement. OCC will make and maintain book entries in clearing members' accounts representing the long and short positions in each account.

OCC will also process CD options exercises. Because delivery obligations are settled in a similar manner in both the GNMA and the CD cash markets, OCC has, for CD options, paralleled its GNMA options systems for processing exercised options contracts. Generally, under the proposed rule change, OCC will randomly assign exercise notices submitted to OCC by option holders to members with short positions in the exercised contracts.<sup>8</sup> OCC will net settlement obligations insofar as a clearing member is both a receiving and delivering member with respect to CD option contracts of the same type and having the same exercise price and settlement date. After deriving net positions OCC will "allocate" the settlement obligations of those clearing members that did not net out fully to clearing members with reciprocal obligations. A clearing member with a net delivery obligation will have to deliver CDs, against payment of the aggregate exercise price, to the receiving clearing member at the receiving clearing member's New York City office, unless another location is agreed to by both the delivering and receiving clearing member.<sup>9</sup> The requirement that

<sup>1</sup> OCC will determine which banks qualify for inclusion in the list of top-tier banks by polling, at frequent intervals, the no name lists of a group of large CD cash market dealers. OCC will include on its list of top tier banks only those banks appearing on the lists of at least two-thirds of such dealers.

<sup>2</sup> CD's of "no-name" banks were chosen as the underlying CD for CD option contracts because of their fungibility. Unlike other CDs, because of the superlative credit rating of no name banks, CDs issued by no name banks are not separately identified by institutions for quotation purposes and generally are regarded as fungible for delivery purposes. Accordingly, the CDs issued by those banks will constitute "good delivery" on exercise.

More specifically, OCC's proposed Rule 1509 provides that the deliverable CD upon exercise of a CD option contract will be a CD that meets the following specifications:

(i) the CD was issued by a bank designated by OCC as of the opening of business on the exercise settlement date as top tier bank; (ii) the CD has a term to maturity at original issuance of not more than 185 days; (iii) the CD has a principal amount of \$1 million; and (iv) the CD will mature three months after the exercise settlement date, during a two week "window" that corresponds to the same half month as the exercise (i.e., a CD must mature between either the 1st through the 15th or the 16th through 31st of the relevant month). For example, if a CD call option is exercised in December 1982 with an exercise settlement date in the first half of December, the writer will have to deliver a deliverable CD that will mature within the first 15 days of March 1983. This requirement is consistent with the quotation practice of CD dealers in the cash market. In the cash market, CD dealers quote no name CDs at the same rate for all maturity dates during each half-month period.

<sup>3</sup> See Securities Exchange Act Release No. 19274 (November 24, 1982).

<sup>4</sup> In contrast to its equity procedures, OCC has not proposed to implement an "automatic exercise" program for expiring CD options that are in-the-money by a specified amount. (Automatic exercise rules are intended to reduce the likelihood that a clearing member could inadvertently fail to exercise a profitable option prior to its expiration.) As is the case with OCC's other non-equity options, OCC does not believe it has sufficient experience at this time to determine appropriate exercise intervals for CD options. OCC, however, intends to establish an automatic exercise program for CD options once it gains sufficient trading experience in CD's. In anticipation of this, OCC's proposed rules would empower OCC to implement an automatic exercise program for CD options by establishing exercise intervals and giving clearing members 30 days advance notice.

<sup>5</sup> As is the case with GNMA options, once OCC has issued receive and deliver orders, OCC will end its direct involvement in the CD options settlement system. Under OCC's proposed rules it will be the responsibility of receiving and delivering clearing

<sup>1</sup> The Commission approved the American Stock Exchange proposed rule change on November 22, 1982. See Securities Exchange Act Release No. 19263, 47 FR 53978 (November 30, 1982).

<sup>2</sup> Letter dated August 20, 1982 from Thomas R. Donavan, President, Chicago Board of Trade, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission. That letter asserts that options on certificates of deposits are commodities and questions the Commission's jurisdiction to regulate such options. The jurisdictional issues have been resolved by legislative amendments to the Securities Exchange Act. See Securities Exchange Act Release No. 19125 (October 14, 1982).

<sup>3</sup> See File No. SR-OCC-81-7.

<sup>4</sup> The Commission approved OCC's GNMA and Treasury options rule on October 14, 1982. See Securities Exchange Act Release No. 19125, 47 FR 46934 (October 21, 1982).

settlement take place in New York City reflects the current practice in connection with cash market CD transactions and facilitates same-day turn-around.

In the event that clearing members fail to meet their exercise settlement obligations, OCC's proposed rules provide for "buy-ins" and "sell-outs" modeled after the buy-in and sell-out rules adopted by OCC for both equity and debt options. The proposed rule provides that if a delivering clearing member fails to deliver the underlying CD by a specified time,<sup>10</sup> the clearing member due to receive the CD must buy the CD in the cash market, holding the defaulting party liable for any loss resulting from adverse price movement plus the close-out transaction costs. Similarly, if the receiving clearing member refuses to accept proper tender of the underlying CD or refuses to pay for such delivery, the delivering clearing member must sell the CD in the cash market, and hold the defaulting party responsible for any loss. These provisions are intended to discourage fails, to provide uniform remedies for non-failing clearing members and to impose a fixed deadline by which settlement must be made, either in the normal fashion or through buy-ins or sell-outs.

#### 4. Alternative Settlement Procedures.

In recognition of the possibility that the supply of top-tier CDs that are eligible for delivery under specific options contracts may become

members to agree on the aggregate exercise settlement price based on a formula provided in OCC's proposed rule for calculating the exercise settlement price in respect of CD options. (The exercise settlement price for a CD option contract will be adjusted to reflect several factors: (i) the number of days to maturity of the delivered CD; (ii) the stated interest rate of the delivered CD; and (iii) the original time to maturity at issuance of the delivered CD.) OCC, however, will be empowered to intervene to resolve disputes between receiving and delivering clearing members that arise during the settlement process. OCC's determinations respecting such disputes will be final and binding on the parties.

<sup>10</sup> Although the exercise settlement date is the second business day after exercise, a receiving clearing member's right to buy-in, in the event the delivering clearing member fails to meet settlement obligations, does not commence until the close of business on the third business day following the exercise settlement date. This provision gives the delivering clearing member a one-day grace period in delivering the underlying CD and is intended to prevent premature and unnecessary buy-ins. The aggregate exercise settlement price, however, is calculated with reference to the exercise settlement date regardless of when delivery actually occurs and, as such, will not include any interest accrued after the exercise settlement date. OCC stated that the loss of interest penalty under the exercise price formula should act as an incentive for the delivering clearing member to deliver the certificates on the exercise settlement date.

insufficient to permit assigned call writers to meet their delivery obligations, OCC has proposed "shortage of supply" rules.<sup>11</sup> Whenever OCC determines that deliverable CDs are in short supply,<sup>12</sup> OCC would be authorized to modify the rights and obligations that would ordinarily attach to exercise and assignment and to institute "alternative settlement procedures."<sup>13</sup> Specifically, with regard to CD call options, OCC would be entitled under the proposed rules (i) to establish cash settlement prices which assigned writers of CD call options who would otherwise be unable to meet their settlement obligations must pay, and exercising holders of CD call options must accept, in lieu of delivery of the underlying CDs, and (ii) to permit assigned writers of CD call options to settle by delivering specified top-tier CD's that differ from the underlying CD's ("alternative delivery") as to the term to maturity at original issuance and/or the half month period in which such CD's will mature. In the event alternative delivery is required, OCC would adjust the aggregate exercise price to reflect the value of the alternative delivery.<sup>14</sup>

Under the proposed rule change OCC also has authority, in the event of a shortage of deliverable CDs, to permit exercising holders of CD put options to settle by alternative delivery. However, consistent with OCC's rules and procedures in equity and approved non-equity options, OCC may prohibit the exercise of CD put options whenever the exercising member is unable to deliver

the underlying CD specified in the contract.<sup>15</sup>

#### 5. Margin

As the issuer of option contracts, OCC guarantees writers' performance to holders. To collateralize this guarantee OCC requires clearing members to deposit margin with OCC. OCC's margin requirements are designed to protect OCC against loss attributable to members' defaults on obligations to OCC.<sup>16</sup> The margin requirement is adjusted daily for each account, based on changes in each clearing member's aggregate positions and relevant changes in the market value of those positions.

The margin required with respect to unassigned short positions<sup>17</sup> in CD options is 100% of the current asked price of the option plus a "minimum margin amount" that functions as a protective cushion. The margin required with respect to an assigned short position is equal to 100% of the difference between the market value of the underlying CD and the aggregate exercise price plus a minimum margin amount. The minimum margin amount would be set contract-by-contract, at a point between \$250 and \$1,000 (or whatever higher limit OCC believes as necessary)<sup>18</sup> depending on the degree to which the contract is out-of-the-money.<sup>19</sup> Because contracts that are out-of-the-money are less likely to be exercised and therefore, pose a smaller risk to OCC than in-the-money contracts<sup>20</sup>.

<sup>15</sup> As in the case of equity and approved non-equity options, a clearing member that exercises a put, when such a prohibition is in effect, and that subsequently fails to deliver the underlying security, will be subject to disciplinary action under OCC's proposed rule.

<sup>16</sup> In addition to margin requirements, OCC imposes its own net capital requirement on clearing members and requires clearing members to contribute to one or more of OCC's clearing funds. OCC maintains two participants funds: the Stock Clearing Fund and the Non-Equity Securities Clearing Fund. (A participant's clearing fund deposit can be used when a participant is suspended and the clearing member's margin deposit proves insufficient to cover the member's outstanding obligations to OCC.)

<sup>17</sup> Under certain circumstances, as prescribed in OCC's rules, a short position in any OCC option may be offset by a corresponding long position, thereby eliminating the margin requirement on the short position.

<sup>18</sup> As a precaution, initially OCC has determined to set minimum margin ceiling for CD short positions that are in-the-money at \$2,000. OCC intends to review this decision in light of experience as soon as practicable after trading begins.

<sup>19</sup> A contract is out-of-the-money if the exercise price exceeds (in the case of calls) or is less than (in the case of puts) the market price of the underlying security.

<sup>20</sup> A contract is in-the-money if the exercise price is less than (in the case of calls) or is greater than (in the case of puts) the market price of the underlying security.

<sup>11</sup> OCC stated that it believes that a shortage in the supply of deliverable CDs is unlikely because of the magnitude of no name CDs available for delivery (approximately 2.5 to 3.0 billion each half month) and because CD's are generally issued by banks upon demand of customers. See FRB Statistical Release G.9(410), *Maturity Distribution of Outstanding Time Certificates of Deposit at Large Commercial Banks* and order approving Amex proposal to trade options on CDs. Securities Exchange Act Release No. 19263 (November 22, 1982), 47 FR 53978 (November 30, 1982).

<sup>12</sup> OCC's Interpretations and Policies relating to shortages in the underlying CD provide that OCC may invoke the alternative settlement if there is a shortage of 90-day CDs, notwithstanding the availability of deliverable CDs, with shorter maturity periods.

<sup>13</sup> As in the case of stock and other non-equity options, in addition to measures OCC would be authorized to take pursuant to the shortage of supply rules, the Board of Directors of OCC could extend or postpone the settlement date for CD options, whenever, in its opinion, such action is required to meet unusual market conditions. OCC has indicated that it believes a shortage of securities to be such a condition.

<sup>14</sup> Although for routine settlement OCC will permit delivery of short maturity CDs without adjusting the exercise settlement price, OCC will not compel delivery of such CDs under the alternative delivery rule unless the alternative payment is adjusted to reflect their enhanced value.

OCC would impose a smaller minimum margin cushion on the out-of-the-money options.<sup>21</sup>

Unlike OCC's margin arrangements for equity options, the deposit of the underlying CD in respect of CD call options would not be permitted under the proposed rule change. At this time, OCC has not developed the systems necessary to administer a covered call writing program with respect to CD options. Also, OCC will not permit members, at this time, to cover short put positions by pledging Treasury bills in lieu of cash to secure their obligation to purchase the underlying CD. Although OCC allows clearing members to pledge Treasury bills in lieu of cash to cover short put positions with respect to equity options, OCC has not completed the necessary programming to effectuate covered puts on non-equity options. OCC has stated, however, that it will consider adding this feature for each of the non-equity option contracts in the future if demand warrants.

Under the proposed rule change OCC would also require margin on net exercised long option contracts that are out-of-the-money. The margin required on such out-of-the-money long contracts would be equal to 100% of the difference between the market value of the underlying CD and the aggregate exercise price plus a specified dollar amount determined by OCC (currently proposed to be \$2,000).

#### Determinations Regarding OCC's Proposed CD Options Clearing Rules

Under Section 19(b)(2) of the Act, the Commission must approve OCC's proposed rule change if the Commission finds that it is consistent with the requirements of the Act and the rules thereunder applicable to registered clearing agencies. The principal provisions of the Act applicable to clearing agencies are contained in Section 17A. Paragraph (b)(3) of that Section requires that the rules of a clearing agency, among other things, be designed: (i) "to promote the prompt and accurate clearance and settlement of securities transactions," (ii) "to assure the safeguarding of funds and securities which are in the custody or control of the clearing agency," (iii) "to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions," and (iv) "to remove impediments to and perfect the mechanism of a national system for the prompt and accurate

<sup>21</sup> The maximum dollar amount that can be required as a minimum margin cushion is reduced by 25 for each percentage point a contract is out-of-the-money, down to a base of \$250.

clearance and settlement of securities transactions, and, in general, to protect investors and the public interest."

The Commission has determined that the proposed rules respecting CD options are consistent with the requirements of the Act. As discussed, OCC's proposed rules regarding CD options parallel the rules approved by the Commission for processing other non-equity options, particularly GNMA's,<sup>22</sup> and appear to be suitably designed to accommodate customary practices in the CD cash market.

In particular, the Commission believes that OCC's proposed systems for processing CD options transactions, as well as its proposed systems for processing and settling CD options exercises, appear reasonably designed to operate efficiently, accurately and safely. In making that determination, the Commission notes that OCC will use the same system for processing purchase and sales of CD options that it has successfully used to process purchases and sales of equity options. The Commission also notes that OCC's proposed rules for processing and settling CD option exercises are based on industry customs that have historically functioned well. The unique settlement arrangements (i.e., broker-to-broker settlement of CDs in New York City and calculation of the exercise settlement price by members) were approved by the Commission with respect to GNMA options. Further, the Commission believes that OCC's proposal to address and resolve disputes arising in the settlement process is well-designed and appropriate.

In addition to those general determinations, the Commission has carefully considered two areas of concern involved in OCC's proposal: (1) Adequacy of OCC margin on CD options and (2) alternative CD settlement procedures.

#### 1. Adequacy of Margin Required on CD Options

In the GNMA rule change, OCC amended its margin rules to provide for margin on transactions in all debt securities. In this filing, as a result, OCC has proposed only minor changes in the margin rules to reflect technical differences between CD options and GNMA options.

In approving the GNMA margin rules, the Commission determined that it was appropriate with respect to debt securities: (i) To base margin for unassigned short positions on the

<sup>22</sup> As stated, the GNMA and CD cash market delivery customs are very similar.

current asked price of the option plus a minimum margin amount; (ii) to base margin for assigned short position on the difference between the market value of the underlying security and the aggregate exercise price plus a minimum margin amount; and (iii) to base margin for net long exercised positions that are out-of-the-money on the difference between the aggregate exercise price of the net long position and the market price of the underlying security plus a specified dollar amount. Accordingly, because the prices of GNMA's, Treasuries and CDs are largely controlled by interest rates and because those instruments display similar volatility characteristics, the Commission believes that the minimum margin approach is also appropriate for CD options.<sup>23</sup>

With respect to the minimum margin amount for CD options contracts, OCC stated that its election of a \$2,000 minimum margin ceiling was based on a six month sample calculation run performed by OCC on CD transactions in the cash market. That run revealed that OCC would be fully protected against a one-day market movement in the price of the underlying CD on more than 97% of the days.<sup>24</sup> In those instances in which the market moves more than the minimum margin amount, OCC would invoke a same-day variation margin call pursuant to existing rules.<sup>25</sup>

<sup>23</sup> The formula for margin on short positions in debt securities differs from the formula used to calculate margin on short positions in equity securities. The "cushion" for the margin on equity securities is 30% of the current market price of the option. OCC has indicated to the Commission, however, that a specified dollar amount is more appropriate for debt options than a specified percentage of the market price for two reasons: (1) the adequacy of protection afforded by tying the protective cushion to premiums (as OCC does for equity options) depends on the relationship between premium levels and the price of the underlying security. If premium levels are high relative to the price of the underlying security (as is the case with stocks) the cushion should be adequate. If the premium levels are relatively low, however, (as is expected to be the case with CD's because of their relatively lower price volatility), it may not be adequate; and (2) a percentage-of-market-value approach can result in excessive margin for deep-in-the-money options, for which most of the market price is attributable to the intrinsic value of the option, rather than to volatility factors. See Order approving OCC's proposed GNMA options rules, Securities Exchange Act Release No. 19125 (October 14, 1982), 47 FR 46934 (October 21, 1982).

<sup>24</sup> Since trading in CD options has not begun, OCC can only project the relationship between market movement in the underlying currency and the volatility of premium levels. Nonetheless, OCC believes that its margin amounts for unassigned short positions are likely to be adequate in view of projected premium price movement.

<sup>25</sup> Existing OCC Rule 609 (variation margin) authorizes OCC to require the deposit of additional margin in respect of short positions whenever OCC believes it is necessary to adjust to significant changes in the market price.

In general, OCC's proposed margin rules with respect to CD options appear to be appropriate to protect OCC. The Commission, in the OCC's GNMA rule filing, has approved the minimum margin approach for options on debt securities. In addition, OCC's selection of the minimum margin amounts appears to be adequate to protect the interest of OCC and its members. We note in particular OCC's authority to require collateral as needed and OCC's plan to review the adequacy of the margin levels in light of experience and adjust them accordingly. Therefore, the Commission has determined that the proposed margin rules are consistent with the requirements of the Act.

## 2. Alternative Settlement Procedures

OCC's alternative settlement procedures for CD options are substantially similar to the "cash settlement" procedures for equity options and mirror the alternative settlement procedures approved by the Commission for GNMA and Treasury options. Each of those procedures requires OCC to make a determination, based on extraordinary circumstances in the marketplace, that a shortage in the supply of the underlying security exists that would prevent completion of all outstanding contracts if all such contracts were exercised. Although three of the provisions provided by the CD option proposal (cash settlement, suspension of settlement obligations and prohibition on the exercise of certain puts) parallel OCC's stock shortage rules,<sup>26</sup> an additional provision, "alternative delivery",<sup>27</sup> is unique to debt securities options. Alternative delivery is not used with respect to equity options because stocks of different classes and/or issuers are not fungible. However, the exercise settlement price of debt instruments with different interest rates and maturities may be adjusted to provide approximately equivalent yield to the instrument required to be delivered pursuant to the option contract. Accordingly, by requiring alternative delivery and simply adjusting the settlement price in the event of a shortage, OCC can give the holder approximately the same return it would

have received had the option contract been specifically performed.

By their very nature, alternative settlement procedures are imperfect. For example, since clearing members may have redelivery obligations on the underlying CDs in the cash market, alternative delivery may cause that member's redelivery to fail. However, the ability to meet redelivery obligations in the cash market would also be in jeopardy whenever OCC invoked cash settlement or suspended settlement in response to a shortage in the supply of the underlying CD. Indeed, the shortage of supply could in theory frustrate delivery in any market for the underlying instrument. Moreover, both alternative delivery and cash settlement provide remedies to option writers and purchasers when ordinary performance is impossible, may serve as disincentives to manipulate the market by compounding a short squeeze, and can obviate any pricing dysfunctions that result from sudden market congestion. In addition, to the extent that receiving parties may avert adverse tax consequences through alternative delivery, that remedy may be preferable to cash settlement. Accordingly, the Commission believes that OCC's shortage of supply procedures are appropriate to protect OCC and the investing public in the event extraordinary market circumstances develop.

While OCC's alternative settlement procedures define the courses of action available to OCC in the event of a shortage of Treasury securities, the rule allows OCC a substantial range of discretion in directing alternative settlement procedures once such a determination is made. The proposed rule, for example, does not specify the standards to be used by OCC in pricing CDs delivered pursuant to alternative delivery directives or in determining a fair cash settlement price. Additionally, in contrast to the shortage of securities procedures respecting equity options, OCC has not adopted "interpretations" or "policies" that would shed light on the probable application of its alternative settlement procedures.

In support of the substantial discretion under the CD shortage of supply rules, OCC stated that the range of discretion it seeks should be measured in light of the absence of experience concerning CD options trading. The Commission believes that OCC's range of discretion is also supported by its need, as a guarantor of writers' performance, to limit exposure to OCC and its clearing members in the event deliveries are frustrated by a

shortage in the supply of deliverable CDs.

The Commission has determined that both the provisions proposed for a CD shortage of supply and the degree of discretion afforded to OCC by its rule in this area are not inappropriate at this time. As noted above, three of the provisions proposed by this filing have been used appropriately in application to equity options. OCC has demonstrated a willingness with respect to equity options to amend its procedures and adopt interpretations and policies based on experience. Further, the Commission believes that any inconvenience in the market place caused by uncertainty as to the operation of the alternative settlement procedures<sup>28</sup> is outweighed by OCC's need, at the outset of CD options trading, to invoke measures that will protect investors and insure the financial integrity of OCC, consistent with the orderly processing and settlement of CD options exercises.

## Conclusion

The Commission has carefully reviewed OCC's proposal and believes that the proposed rules appear suitably designed at the outset of trading to provide for the safe and efficient clearance and settlement of CD options. In particular, the Commission believes that the proposed margin levels for CD options are appropriately based on realistic volatility models of the underlying instruments and should help ensure that OCC is reasonably protected in processing and settling CD options transactions. OCC's proposed exercise settlement system appears well designed to accommodate present industry practices and, as such, is consistent with the orderly processing of CD option exercises. Finally, OCC's rule respecting alternative settlement procedures appear adequate to address a shortage in the underlying CDs.

In accordance with the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

<sup>28</sup> OCC has described its alternative settlement procedures in its Options Disclosure Document.

<sup>26</sup> Those equity option rules were approved by the Commission in Securities Exchange Act Release No. 17124 (September 5, 1980), 45 FR 60100 (September 11, 1980).

<sup>27</sup> Alternative delivery permits an assigned call writer or an exercising put holder to make settlement by delivering top-tier CDs that differ from the CDs contracted for, as to the term to maturity at original issuance, and/or the full month period in which the certificates will mature.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-34845 Filed 12-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19341; File No. SR-Phlx-82-15]

### Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc.

December 15, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on December 8, 1982, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change provides for an increase in position and exercise limits to 3,000 contracts.<sup>1</sup> Currently, Phlx Rule 1001 provides that aggregated option positions may not exceed 2,000 contracts on the same side of the market in the same underlying equity security and Rule 1002 provides that the aggregate number of equity option contracts of a particular class exercised in any five consecutive days may not exceed 2,000 contracts. Phlx contends that the proposed rule change is necessary at this time because the current limits unduly constrict options trading to the detriment of market depth and liquidity. It argues that the potential for short squeezes should be controlled directly by imposing limitations on uncovered writing rather than indirectly by means of position and exercise limits. It further states that protection against financial exposure is better accomplished through suitability, margin and net capital rules rather than through imposition of position and exercise limits.<sup>2</sup>

<sup>1</sup> On October 22, 1982, the Commission approved position and exercise limit increases from 1,000 to 2,000 option contracts. See Securities Exchange Act Release No. 17237.

<sup>2</sup> The Chicago Board Options Exchange, Incorporated ("CBOE") and the Pacific Stock Exchange, Incorporated ("PSE") also have submitted proposals to increase position and exercise limits for options on equity securities from 2,000 to 3,000 contracts. See Securities Exchange Act Release Nos. 19200 (November 1, 1982), 47 FR 50793 (November 9, 1982) and 19250 (November 18, 1982), 47 FR 43554 (November 26, 1982). The CBOE recently has submitted a second proposal to increase limits to 5,000 contracts. See Securities Exchange Act Release No. 19252 (November 18, 1982), 47 FR 53550 (November 26, 1982).

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Reference should be made to File No. SR-PSE-82-13.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 82-34844 Filed 12-22-82; 8:45 am]

BILLING CODE 8010-01-M

### SMALL BUSINESS ADMINISTRATION

[Application No. 03/03-5156]

#### Basic Investment Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Basic Investment Corporation (Basic), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982).

The officers, directors, and stockholders of Basic are as follows:

Name and address	Title	Percentage ownership of corporation
Frank F. Lewis, 1016 Towlston Road, McLean, Virginia 22102.	President and Chairman of the Board.	50
Ridgway B. Espy, Jr., 861 Canal Drive, McLean, Virginia 22102.	Vice President and General Manager.	
Brenda J. Lewis, 1016 Towlston Road, McLean, Virginia 22102.	Secretary and Director	50
Edward A. Sandler, 7801 Lewinsville Road, McLean, Virginia 22102.	Treasurer and Director	

Basic, a Virginia corporation, with its principal place of business located at 6723 Whittier Avenue, McLean, Virginia 22101, will begin operations with \$500,000 of private capital derived from the sale of common and preferred stock.

Basic will conduct its activities principally in Virginia, Maryland, and the District of Columbia.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in McLean, Virginia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 20, 1982.

**Robert G. Lineberry,**

*Deputy Associate Administrator for Investment.*

[FR Doc. 82-34890 Filed 12-22-82; 8:45 am]

BILLING CODE 8025-01-M

Jacob L. Krampf, 412 Kimblewick Drive, Silver Spring, Maryland 20904. President, Director, 16 percent shareholder.

William Hoffman, 4102 Windridge Road, Pikesville, Maryland 21208. Vice President, Director, 25 percent shareholder.

Barry H. Deutchman, 11430 Strand Drive Rockville, Maryland 20852. Secretary, Director, 34 percent shareholder.

Anthony D. Triplin, 12910 Manor Road, Glen Arm, Maryland 21057. Treasurer, Director, 25 percent shareholder.

business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole shareholder of the Applicant are as follows:

[License No. 04/04-0105]

**C & C Capital Corp.; License Surrender**

Notice is hereby given that C & C Capital Corporation, 531 S. Gay Street, Knoxville, Tennessee 37901 has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). C & C Capital Corporation was licensed by the Small Business Administration on November 6, 1973.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on December 14, 1982, and accordingly, all rights privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 20, 1982.

**Robert G. Lineberry,**

*Deputy Associate Administrator for Investment.*

[FR Doc. 82-34891 Filed 12-22-82; 8:45 am]

BILLING CODE 8025-01-M

There is one class of stock authorized: 25,000 shares of common stock. Initially only 5,200 shares will be issued with a resultant private capital of \$520,000. Applicant proposes to conduct its operations principally in Washington, D.C. and the Washington, D.C. Metropolitan area.

Matters involved in SBA's consideration of the application include the general business reputation and character of the propose owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than fifteen (15) days from the date of publication of this Notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Washington, D.C.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 20, 1982

**Robert G. Lineberry,**

*Deputy Associate Administrator for Investment.*

[FR Doc. 82-34892 Filed 12-22-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 03/03-0155]

**Security Capital Corp.; Application for a License To Operate as a Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name Security Capital Corporation, 1509 22nd Street, NW., Washington, D.C. 20037, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

G. J. Manderfield, 1098 Swan Point Road, Woodbridge, Virginia 22192. President, Director.

Warren P. Rothe, 154 Cardamon Drive, Edgewater, Maryland 21037. Vice President, Secretary, General Manager, Director.

Dennis R. Hanson, 4992 Tall Oak Drive, Monrovia, Maryland 21770. Vice President, Treasurer, Comptroller, Director.

Suburban Bank, 6610 Rockledge Drive, Bethesda, Maryland 20817. Sole shareholder.

Suburban Bank is a wholly-owned subsidiary of Suburban Bancorp, a multibank holding company headquartered in Bethesda, Maryland. On September 30, 1982, Suburban Bancorp had assets totalling \$1.911 billion and had approximately 7,100 shareholders. Suburban Bank is the fourth largest bank in Maryland.

The Applicant has one class of stock authorized: 5,000 shares of common stock. Initially only 1,000 shares will be issued with a resultant private capital of \$1.0 million. Applicant proposes to conduct its operations principally in the State of Maryland.

Matters involved in SBA's consideration of the application include the general business reputation and charter of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than fifteen (15) days from the date of publication of this Notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

[Application No. 03/03-0154]

**Suburban Capital Corp.; Application for a License To Operate as a Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name of Suburban Capital Corporation, 6610 Rockledge Drive, Bethesda, Maryland 20817, for a license to operate as a small

Dated: December 8, 1982.

**Robert G. Lineberry,**  
*Deputy Associate Administrator for Investment.*

[FR Doc. 82-34869 Filed 12-22-82; 8:45 am]  
BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 82-110]

#### Chemical Transportation Advisory Committee; Subcommittee on Chemical Vessels; Public 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 the Chemical Transportation Advisory Committee's Subcommittee on Chemical Vessels to be held: Wednesday, January 26, 1983, 9:00 a.m., Room 4234, Dept. of Transportation Headquarters Building, 400 Seventh St., SW., Washington, D.C.

The Subcommittee will review a draft revision of 46 CFR part 151. Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons requesting additional information or wishing to present oral statements should contact: Mr. R. M. Query, U.S. Coast Guard (G-MTH-1), 2100 Second St., SW., Washington, D.C. 20593, (202) 426-1217.

Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on December 16, 1982.

**Clyde T. Lusk, Jr.,**

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

[FR Doc. 82-34819 Filed 12-22-82; 8:45 am]  
BILLING CODE 4910-14-M

[CGD 82-111]

#### Chemical Transportation Advisory Committee; Subcommittee on Liquefied Gas Ships; Public 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 the Chemical Transportation Advisory Committee's Subcommittee on Gas Ships to be held: Tuesday, February 1, 1983, 9:00 a.m. Room 1303, Coast Guard Headquarters Building, 2100 Second St., SW., Washington, D.C.

The agenda for the meeting is as follows:

1. To review draft Coast Guard regulations which implement those standards of the International Maritime Organization (IMO) *Code for Existing Ships Carrying Liquefied Gases in Bulk* that exceed present U.S. regulations for existing liquefied gas ships.

2. To prepare a cost analysis for revision of U.S. regulations for existing liquefied gas ships.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend or to present oral statements should notify: Dr. Anthony Rowek, U.S. Coast Guard (G-MTH-1), 2100 Second St., SW., Washington, D.C. 20593, (202) 426-1217.

Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on December 16, 1982.

**Clyde T. Lusk, Jr.,**

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

[FR Doc. 82-34820 Filed 12-22-82; 8:45 am]  
BILLING CODE 4910-14-M

## Federal Aviation Administration

### Air Traffic Procedures Advisory Committee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. T) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from January 17, at 1 p.m., through January 21, 1983, at 1 p.m., at the FAA Southwest Region Headquarters, 4400 Blue Mound Road, Fort Worth, Texas.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures

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 desiring to attend and persons desiring to present oral statements should notify, not later than the day before the meeting, and information may be obtained from Mr. L. Lane Speck, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-301, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on December 14, 1982.

**L. Lane Speck,**

*Executive Director, Air Traffic Procedures Advisory Committee.*

[FR Doc. 82-34476 Filed 12-22-82; 8:45 am]  
BILLING CODE 4910-13-M

### Radio Technical Commission for Aeronautics (RTCA), Executive Committee; 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 the RTCA Executive Committee to be held on January 12, 1983, in RTCA Conference Room, Suite 500, 1425 K Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on November 17, 1982; (2) Chairman's Report on RTCA Administration and Activities; (3) Special Committee Activities Report for November and December, 1982; (4) Consideration of Establishing New Special Committees; (5) Report of Fiscal and Management Subcommittee; (6) Mid-Year Review of RTCA Budget; and (7) 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 14, 1982.

**Karl F. Bierach,**

*Designated Officer.*

[FR Doc. 82-34477 Filed 12-22-82; 8:45 am]  
BILLING CODE 4910-13-M

### Radio Technical Commission for Aeronautics (RTCA), Special Committee 137—Airborne Area Navigation System; 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 137 on Airborne Area Navigation Systems to be held on

January 25-27, 1983, in the RTCA Conference Room, Suite 500, 1425 K Street, NW., 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 Eleventh Meeting Held on September 14-16, 1982; (3) Review Status of Committee Report on Minimum Operational Performance Standards for VOR/DME Based Airborne Area Navigation Equipment; (4) Review Third Draft of Committee Report on Minimum Operational Performance Standards for Loran-C Based Area Navigation Equipment; (5) Review Third Draft of Committee Report on Minimum Operational Performance Standards for Omega Based Area Navigation Equipment; (6) Review Third Draft of Committee Report on Minimum Operational Performance Standards for Multi-Sensor Based Area Navigation Equipment; (7) Assignment of Tasks; and (8) 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 16, 1982.

Karl F. Bierach,  
*Designated Officer.*

[FR Doc. 82-34582 Filed 12-22-82; 8:45 am]  
BILLING CODE 4910-13-M

#### Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Traffic Alert and Collision Avoidance Systems; 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 147 on Traffic Alert & Collision Avoidance Systems to be held on January 18-20, 1983, in the RTCA Conference Room, Suite 500, 1425 K Street, NW., 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 Tenth Meeting Held on October 26-28, 1982; (3) Review of TCAS-I Working Group Activities; (4) Review of Third Draft Report on Minimum Operational

Performance Standards for TCAS; (5) Review of European Organization for Civil Aviation Electronics (EUROCAE) Comments on Draft TCAS Performance Standard; (6) Review of Collision Avoidance Algorithm for Minimum TCAS-II Equipment; and (7) 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 14, 1982.

Karl F. Bierach,  
*Designated Officer.*

[FR Doc. 82-34475 Filed 12-22-82; 8:45 am]  
BILLING CODE 4910-13-M

#### Reorganization of Engineering Functions

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice is hereby given that on October 4, 1982, the Federal Aviation Administration's engineering and maintenance organizations were restructured and consolidated into a new organization.

a. The Associate Administrator for Engineering and Development, the Associate Administrator for Air Traffic and Airway Facilities, the Airway Facilities Service, the Systems Research and Development Service, and the Office of Systems Engineering Management are abolished.

b. The Associate Administrator for Development and Logistics (ADL) is established. The Systems Engineering Service (AES) and the Program Engineering and Maintenance Service (APM) are established. The new services report to the new Associate Administrator. The FAA Technical Center (ACT) located near Atlantic City, New Jersey, also reports to the Associate Administrator for Development and Logistics.

c. The Air Traffic Service (AAT) reports directly to the Administrator.

d. The Logistics Service (ALG) is retitled the Acquisition and Materiel Service. However, functional responsibilities and routing symbol remain unchanged.

Under the reorganization, full responsibility and accountability to

accomplish the National Airspace System Plan, other than the Advanced Automation Program, are vested in a single organization. The Program Engineering and Maintenance Service and the FAA Technical Center are responsible for managing, directing, and executing FAA's implementation and maintenance engineering and research and development activities related thereto. The Systems Engineering Service provides the overall system engineering and configuration management for the National Airspace System. It also identifies and translates user and system requirements; conducts system studies, and advanced technology and concepts development efforts. The new organizations became operational on October 4, 1982.

(Secs. 301, 302, 303, 307, and 313 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1341, 1342, 1343, and 1354); and the Administrative Procedure Act, as amended (5 U.S.C. 552(a)(1)))

Issued in Washington, D.C. on December 13, 1982.

J. Lynn Helms  
*Administrator.*

[FR Doc. 82-34583 Filed 12-22-82; 8:45 am]  
BILLING CODE 4910-13-M

#### Intent To Prepare an Environmental Impact Statement of Proposed Improvements, Alterations and Additions at Kenosha Municipal Airport, Kenosha, Wisconsin

The Federal Aviation Administration, Great Lakes Region, intends to prepare an Environmental Impact Statement for acquisition of approximately 494 acres of land to construct a new basic transport Runway 6L/24R with a full instrument landing system and extend Runway 14/32 600' to the northwest.

Alternatives to be considered are: Expand another airport, develop a new airport on a new site, widen and lengthen Runway 14/32 600' to the northwest as a secondary runway and construct a new primary runway 150' x 5500' with a precision instrument landing system, investigate alternative runway alignments and do nothing.

No scoping meeting is planned.

Additional information concerning the proposed project may be obtained by contacting: Glen Orcutt, Airports Planner, Federal Aviation Administration, Airports District Office, 6301 34th Avenue South, Minneapolis, Minnesota, 55450. Telephone: (612) 725-3346.

Dated: November 24, 1982.

David Drystad,

Supervisor, Wisconsin Section, Minneapolis,  
Minnesota Airports District Office.

[FR Doc. 82-34968 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

### Eighth Annual FAA Aviation Forecast Conference; Meeting

Notice is hereby given that the Eighth Annual FAA Aviation Forecast Conference will be held at the Hyatt Regency Crystal City, Arlington, Virginia on February 24, 1983. Registration will begin at 8:00 a.m.

The theme of the conference is "Aviation Forecasting: The State of the Art". Three panels have been organized to address this topic. They are: (1) Air Carrier Forecast Models, (2) General Aviation Forecast Models, and (3) Helicopter Forecast Models. Each panel presentation will be followed by a question and answer period.

Attendance is open to all interested parties, but limited space is available. Persons wishing further information should contact Virginia Price at (202) 426-3103.

Issued in Washington, D.C. on December 17, 1982.

Thomas P. Messier,

Deputy Director of Aviation Policy and Plans.

[FR Doc. 82-34709 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

### National Airspace Review; Meeting

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of Meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-263; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1-1 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: review of National Security Areas and Flight Test Areas.

**DATE:** Beginning January 31, 1983 at 11 a.m., continuing daily, except Saturdays, Sundays and holidays, not to exceed three weeks.

**ADDRESS:** The meeting will be held at the Federal Aviation Administration, Rooms 9A and 9B, 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., AAT-30, Washington, D.C. 20591, (202) 426-3560.

Attendance is open to the interested public, but limited to the space available. To ensure 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 January 24, 1983. 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 17, 1982.

Karl D. Trautmann,

Program Manager, NARAC.

[FR Doc. 82-34711 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-13-M

### Maritime Administration

#### Notice of Approval of Applicant as Trustee

Notice is hereby given that The Bank of New York, with offices at 48 Wall Street, New York, New York, has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: December 20, 1982.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-34896 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-81-M

#### Notice of Approval of Applicant as Trustee

Notice was given in the Federal Register that on January 31, 1973, Hartford National Bank and Trust Company, Hartford, Connecticut was approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Effective October 30, 1982, The Connecticut National Bank of Bridgeport, Connecticut was merged into Hartford National Bank and Trust Company; The Connecticut National Bank of Bridgeport, Connecticut, ceased to exist, and Hartford National Bank and Trust Company was renamed The Connecticut National Bank.

Notice is hereby given that the merged bank, The Connecticut National Bank, with offices at 777 Main Street, Hartford, Connecticut, has been approved as a trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: December 20, 1982.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-34894 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-81-M

### National Highway Traffic Safety Administration

#### Denial of Petition for Defect Hearing

This notice sets forth the reasons for the denial of a petition by Robert Spencer of North Pole, Alaska, to have a hearing to determine whether a manufacturer had reasonably met its obligation to notify purchasers of the existence of a safety-related defect (15 U.S.C. 1416).

On September 28, 1982, Mr. Spencer wrote NHTSA alleging a "situation of gasoline spraying out when the tank is full, or the very strong gasoline smell inside the vehicle, even when the tank is not full," on his Volkswagen Rabbit. He stated that he had been into his local dealer three times in response to the manufacturer's notification of campaign, and that the condition persisted. NHTSA contacted Volkswagen of America, Inc., who arranged for a further inspection and repair of Mr. Spencer's car. Mr. Spencer's complaint was found to be valid, but unrelated to the campaign, and the problem was corrected to his satisfaction. Because Volkswagen had met its responsibility to correct a safety-related defect in the vehicle in question, Mr. Spencer's petition was denied on December 1, 1982.

(Sec. 156, Pub. L. 93-492, 86 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on December 15, 1982.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 82-34627 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-59-M

### Office of the Secretary

[Notice No. 82-11]

#### Administrative Recoveries of Overcharges Attributable to Fraud and Waste, Including Bid-Rigging, in DOT Financial Assistance Programs

**AGENCY:** Office of the Secretary (OST), (DOT).

**ACTION:** Policy statement.

**SUMMARY:** This notice sets forth the Department of Transportation's policy regarding recovery of overcharges caused by fraud and abuse and

reimbursing the Federal share of these recoveries to the Department.

**FOR FURTHER INFORMATION CONTACT:**

Paul B. Larsen, Office of General Counsel, 400 Seventh Street, SW., Room 10424, Washington, D.C. 20950. (202) 426-4710.

**SUPPLEMENTARY INFORMATION:** Collusive bidding practices by private contractors on federally aided transportation contracts is a matter of grave concern to this Department. The Department of Justice, assisted by this Department's Office of Inspector General, has investigated antitrust and other criminal offenses involving federally assisted contracts in 17 states since 1979. Through these efforts, almost 300 convictions of contracting firms and individual company officers have been obtained for such offenses as bid-rigging, false statements, and mail fraud.

Many of these convictions were related to projects for which this Department provided substantial Federal financial assistance. In these cases, the Department has successfully pursued contract measures against involved firms and individuals. For example, since 1979 the Federal Highway Administration (FHWA) has found about 150 firms and individuals unacceptable for future contracting on Federal-aid highway projects for periods of six months to three years (Procedures are set out in 23 CFR Part 16). Additional actions have been taken by the Federal Aviation Administration (FAA), which does not have procedures on suspensions and debarments.

Collusive bidding schemes invariably result in higher bid prices, and, therefore, in higher costs to the public. Contractors who are assured of being the low bidder on a particular contract because of collusive bidding arrangements with their potential competitors have little incentive to pare their bid prices to a competitive minimum. The actual contract costs for federally assisted transportation projects where bids have been rigged have probably been substantially higher than the costs of these same projects would have been, given effective competition.

Recipients of Department financial assistance programs include states, local governments, and other public agencies (e.g., transit and airport authorities). Under DOT grant programs, these recipients routinely enter into contracts with private firms and assume the responsibility for administering Federal bidding and other contractual requirements. Many of these grant recipients have brought independent criminal and civil actions against firms

and individuals who have been implicated in illegal bidding and contracting activities, with resulting dollar recoveries for overpayments. The Department vigorously supports these actions by grant recipients to recover such overpayments.

Unfortunately, recent experience has demonstrated that some recipients of DOT financial assistance who have made substantial recoveries from bid riggers have failed to reimburse the Department for the proper Federal share of those recoveries. Such reimbursement is clearly appropriate, since the recipient's recovery has had the effect of reducing the total cost of the projects on which the bid rigging took place.

It is the policy of this Department that overcharges on DOT-assisted projects, whether through bid rigging or through any other form of fraud or waste, should be recouped to the maximum extent possible, and that the appropriate Federal share of these overcharges should be returned to the involved DOT element. To implement this policy, each element of this Department that conducts a grant program has been directed to prepare and publish specific guidelines and procedures for recovering such overcharges.

Issued in Washington, D.C., on December 16, 1982.

Andrew L. Lewis,  
*Secretary of Transportation.*

[FR Doc. 82-34825 Filed 12-22-82; 8:45 am]

BILLING CODE 4910-62-M

## DEPARTMENT OF THE TREASURY

### Comptroller of the Currency

[Docket No. 82-27]

#### Termination of Closed Receivership Fund; First Notice

**AGENCY:** Comptroller of the Currency, Treasury.

**ACTION:** Notice of termination.

**SUMMARY:** Notice is hereby given that all rights of depositors and other creditors of national banks which have been closed and for which the Comptroller has appointed a receiver other than the Federal Deposit Insurance Corporation to collect liquidating dividends from the "closed receivership fund" shall be barred after twelve months following the date of the fourth publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Howard J. Finkelstein, Attorney, Legal Advisory Services Division, Comptroller

of the Currency, Washington, D.C. 20219, (202) 447-1880.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 409 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320 (October 15, 1982), notice is hereby given that all rights of depositors and other creditors of closed national banks to collect liquidating dividends from the "closed receivership fund" will be barred after twelve months following the date of the fourth publication of this notice.

Sections 721-723 of the Depository Institutions Deregulation and Monetary Control Act of 1980 clarified the status of the "closed receivership fund" by establishing a procedure for the satisfaction or cancellation of all outstanding claims for liquidating dividends and the termination of the fund. However, the 1980 law applied only to national banks closed on or before January 22, 1934. After the law was passed it came to the Office's attention that there had been at least one bank closed after the above date for which the Comptroller appointed a receiver other than the Federal Deposit Insurance Company. The Office therefore sought clarification of the 1980 law from Congress. Congress provided such clarification in Section 409 of Pub. L. 97-320 by striking the date of January 22, 1934 from the statute and substituting therefor the phrase "which have been closed and for which the Comptroller has appointed a receiver other than the Federal Deposit Insurance Corporation."

Under the provisions of the amended law, the Office will publish notices in the *Federal Register* once each week for four consecutive weeks that all rights of depositors and creditors of the fund will be barred after twelve months following the last date of publication of such notice. This is the first such notice. During this twelve month period, the Office will accept claims for liquidating dividends from the fund. A claim should consist of a Proof of Claim form received from the receiver at the time of the bank's closing or other acceptable evidence of an unsatisfied claim. Claims should be sent to the attention of Mr. Robert L. Teets, Manager, Accounting Programs, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

Following the close of the twelve month period, all unclaimed dividends, together with income earned on liquidating dividends and other moneys remaining in the fund, will be covered into the general funds of the Office.

Dated: December 2, 1982

C. T. Conover,  
Comptroller of the Currency.

[FR Doc. 82-34793 Filed 12-22-82; 8:45 am]  
BILLING CODE 4810-33-M

#### Customs Service

[T.D. 83-3]

#### Revocation of Customhouse Cartman's License No. 1816 Issued by District (Area) Director of Customs, Newark to Port Terminal Refrigerated Transport, Inc.

Notice is hereby given that on December 16, 1982, pursuant to the provisions of section 565, Tariff Act of 1930, as amended, and § 112.30 of the Customs Regulations (19 CFR 112.30), it was decided to revoke the Customhouse Cartman's License No. 1816 issued to Port Terminal Refrigerated Transport, Inc. of Port Newark, New Jersey. This revocation is effective as of January 6, 1982.

William von Raab,  
Commissioner of Customs.

[FR Doc. 82-34850 Filed 12-22-82; 8:45 am]  
BILLING CODE 4820-02-M

[T.D. 83-2]

#### Customhouse Cartman's License; Suspension of Customhouse Cartman's License, Number JFKIA-91, Issued by District (Area) Director of Customs, New York, to DRD Fast Freight, Inc.

Notice is hereby given that the Commissioner of Customs on December 16, 1982, pursuant to Section 565, Tariff Act of 1930, as amended (19 U.S.C. 1565), and Part 112 of the Customs Regulations, as amended (19 CFR 112), it was decided to suspend for a period of ninety days the customhouse cartman's license of DRD Fast Freight, Inc., Number JFKIA-91, dated May 5, 1981.

This suspension becomes effective as of January 1, 1983.

William von Raab,  
Commissioner of Customs.

[FR Doc. 82-34849 Filed 12-22-82; 8:45 am]  
BILLING CODE 4820-02-M

#### Fiscal Service

#### Renegotiation Board Interest Rate; Prompt Payment Interest Rate

The Renegotiation Board previously published the rate of interest determined

by the Secretary of the Treasury pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended. Since the Renegotiation Board is no longer in existence, the Department of the Treasury is publishing the current rate of interest. Also, pursuant to section 2(b)(1) of Pub. L. 97-177, dated May 21, 1982, the Secretary of the Treasury is responsible for computing and publishing the interest rate to be used in cases under the Prompt Payment Act.

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest applicable for the purpose of said sections, for the period beginning January 1, 1983 and ending on June 30, 1983, is 11% per centum per annum.

Dated: December 20, 1982.  
Gerald Murphy,  
Acting Fiscal Assistant Secretary.

[FR Doc. 82-34902 Filed 12-22-82; 8:45 am]  
BILLING CODE 4810-35-M

#### Office of the Secretary

#### Public Information Collection Requirements Submitted to OMB for Review

During the period December 10 through December 16, 1982, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. NW., Washington, D.C. 20220; and to the OMB reviewer listed at the end of entry.

Date submitted: December 13, 1982.  
Submitting bureau: Internal Revenue Service.

OMB No. 1545-0087.  
Form No. 1040-ES, 1040-ES(NR), 1040-ES(Espanal) and 1040-ES(NMI)  
Type of submission: Extension.  
Title: Estimated Tax for (1) Individual, (2) for Nonresident Aliens, (3) for use in Puerto Rico and (4) for use in Northern Marland Islands.

Purpose: Form 1040-ES is used by individuals to make estimated tax payments for the taxable year of their gross income exceeds the limits of section 6015(a) unless their estimation tax is expected to be less than \$300. The date is used to determine whether

taxpayers are paying the correct tax during the year.

OMB reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 13, 1982.  
Submitting bureau: Internal Revenue Service.

OMB No. N/A (new submission),  
Form No. W-4S.  
Type of submission: New.  
Title: Request for Federal Income Tax Withholding from Sick Pay.

Purpose: Section 3402(o) of the Internal Revenue Code extends income tax withholding to sick pay payments made by third parties upon request of the payee. The information is used to determine the amount to be withheld from the third party sick pay payments.

OMB reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 13, 1982.  
Submitting bureau: Internal Revenue Service.

OMB No. 1545-0363.  
Form No. 6355.  
Type of submission: Revision.  
Title: Worksheet to Determine Withholding Allowances.

Purpose: Form 6355 is used in conjunction with Letters 1380, 1407 and 1658 (SC/DO) to contact employees who file Forms W-4 claiming 15 or more withholding allowances. The IRS this information to determine the number of withholding allowances the employee is entitled to claim.

OMB reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 14, 1982.  
Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1512-0112.  
Form No.: ATF F 2105(5000.7).  
Type of submission: Extension.  
Title: Extension of Coverage of Bond.

Purpose: After an original bond gets filed, it may be necessary to extend the terms of the bond beyond the terms originally agreed upon by the surety. The form is used in those instances. It exceeds the bond protection on Federal taxes.

OMB reviewer: Arnold Strasser (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 14, 1982.

Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1512-0142.

Form No.: ATF F 2734(5100.25).

Type of submission: Extension.

Title: Specific Export Bond-Distilled Spirit or Wine.

Purpose: This bond is necessary to ensure payment of tax in a specific shipment of spirits or wine until actually exported from the U.S. It describes the person (other than DSP proprietor), surety company, and particular conditions of the bond. Description of the shipments covered is also on the form. If the shipment is not exported lawfully, the form secures payment of the tax.

OMB reviewer: Arnold Strasser (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 14, 1982.  
Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1512-0145.

Form No.: ATF F 2737.

Type of submission: Extension.

Title: Continuing Transportation Bond—Distilled Spirits and Wines withdrawn for Transportation to Manufacturing Bonded Warehouse—Class Six.

Purpose: Form secures payment of tax on distilled spirits or wine to be shipped w/o payment of tax to a CBW in case of diversion for taxable uses or withdrawals. Describes the CBW, surety company amount of bond and coverage and conditions that the CBW (Customs bonded warehouse) and surety company must adhere to and pay the U.S. Government.

OMB reviewer: Arnold Strasser (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 14, 1982.  
Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1512-0038.

Form No.: ATF F 5030.6.

Type of submission: Extension.

Title: Authorization to Furnish Financial Information (Rights to Financial Privacy Act of 1978).

Purpose: Forms allows ATF to examine a bank account for investigation purposes and documents ATF Compliance with 27 U.S.C. 204. The form describes the bank account to be examined, authorization by the business or individual, and the purpose for which disclosure is to be made.

OMB reviewer: Arnold Strasser (202) 395-6880, Office of Management and

Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 14, 1982.  
Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1545-0081.

Form No.: ATF F 1566-A (5130.23).

Type of submission: Extension.

Title: Brewers Bond Continuation Certificate.

Purpose: If an existing brewers bond is filed on ATF 1566 is to be continued by the surety, then the brewer may submit in lieu of a new bond, this form ATF F 1566-A which will continue the bond for a succeeding period of not less than 4 years.

OMB Reviewer: Arnold Strasser, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 14, 1982.  
Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1535-0209.

Form No.: ATF F 5110.50.

Type of submission: Extension.

Title: Tax Deferral Bond-Distilled Spirits (Puerto Rico).

Purpose: Bond secures payment of tax on distilled spirits brought into the U.S. from Puerto Rico without payment of Internal Revenue Tax. Bond describes person importing spirits, the surety company, amount and type of bond, and the conditions under which the surety company and principal are required to adhere to and pay the U.S.

OMB reviewer: Arnold Strasser, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 16, 1982.  
Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1512-0058.

Form No.: ATF F 698 (5120.25).

Type of submission: Extension.

Title: Application by Proprietor of Bonded Winery or Bonded Wine Cellar.

Purpose: Regulations require individuals wanting to establish a winery to provide information concerning ownership, equipment and premises. The information is submitted on this application.

OMB reviewer: Arnold Strasser, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 16, 1982.  
Submitting bureau: Alcohol, Tobacco and Firearms.

OMB No.: 1512-0054.

Form No.: ATF F 138 (5130.8).

Type of submission: Extension.

Title: Brewers Report of Meter Test.

Purpose: This form is used by Brewers to report the tests results of checks run on beer metering devices used with the brewery. The reporting of meter test results assures ATF that the Meters are operating within established tolerances.

OMB Reviewer: Arnold Strasser, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 16, 1982.  
Submitting bureau: Alcohol, Tobacco & Firearms.

OMB No.: 1512-0059.

Form No.: ATF F 698 (Suppl).

Type of submission: Extension.

Title: Formula and Process for Wine.

Purpose: The Federal Alcohol Administration Act prescribes standards of identity for wines and processes which wineries may employ in the production of wine. To ensure that the formulas and the process is in accordance with law, wineries complete this form and our Headquarters office approves or disapproves the wineries proposed formulation and process. This helps assure compliance with the law.

OMB Reviewer: Arnold Strasser (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 16, 1982.  
Submitting bureau: Internal Revenue Service.

OMB No.: 1545-0617.

Form No.: CP-2000 and 6711.

Type of submission: Extension.

Title: Proposed Changes to Income, Payments or Credits.

Purpose: CP 2000 is sent to individual taxpayers who appear to have under reported income. Form 6711 is used to list information returns if we issue a manual notice. Taxpayers receiving CP 2000's are requested to agree with the IRS findings, or submit additional information if they disagree. Information submitted by taxpayers is used to adjust their tax in accordance with 26 U.S.C. 6011.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: December 16, 1982.  
Submitting bureau: Internal Revenue Service.

OMB No.: 1545-0310.

Form No.: 696 C.

Type of submission: Extension.

Title: No Longer in Business—  
Nonreceipt of Return Request  
Additional Information from Employer  
with no Employees.

Purpose: This letter is used to  
correspond with employers who are no  
longer in business. The taxpayer may be  
requested to provide additional  
information so that the name can be  
removed from the Mailing list.

OMB Reviewer: Michael Abrahams  
(202) 395-6880, Office of Management  
and Budget, Room 3208, New Executive  
Office Building, Washington, D.C. 20503.

\* \* \* \* \*  
Date submitted: December 16, 1982.  
Submitting bureau: Alcohol, Tobacco  
& Firearms.

OMB No.: 1512-0174.  
Form No.: ATF F 4326 (5150.21).  
Type of submission: Extension.  
Title: Application for Limited  
Industrial Use and Withdrawal Permit.  
Purpose: Form is used to determine  
whether a person is eligible to receive  
denatured spirits or alcohol free of tax  
for certain operations and limited  
amounts. Describes the person,

business, intended use of denatured  
spirits or alcohol, and amount thereof  
needed and intended supplier. Form  
when approved, serves as an authority  
for the shipper to send the person  
denatured spirits or alcohol free of tax.

OMB Reviewer: Arnold Strasser (202)  
395-6880, Office of Management and  
Budget, Room 3208, New Executive  
Office Building, Washington, D.C. 20503.

Joy Tucker,  
*Departmental Reports Management Officer.*  
December 20, 1982.

[FR Doc. 82-34816 Filed 12-22-82; 8:45 am]  
BILLING CODE 4810-25-M

[Supplement to Department Circular Public  
Debt Series No. 34-82]

**Treasury Notes Series K-1986; Interest  
Rates**

December 17, 1982.

The Secretary announced on  
December 16, 1982, that the interest rate  
on the notes designated Series K-1986,  
described in Department Circular—  
Public Debt Series—No. 34-82 dated

December 9, 1982, will be 10 percent.  
Interest on the notes will be payable at  
the rate of 10 percent per annum.

John Kilcoyne,  
*Acting Fiscal Assistant Secretary.*

[FR Doc. 82-34829 Filed 12-22-82; 8:45 am]  
BILLING CODE 4810-40-M

[Supplement to Department Circular Public  
Debt Series No. 33-82]

**Treasury Notes Series Z-1984; Interest  
Rates**

December 16, 1982.

The Secretary announced on  
December 15, 1982, that the interest rate  
on the notes designated Series Z-1984,  
described in Department Circular—  
Public Debt Series—No. 33-82 dated  
December 9, 1982, will be 9% percent.  
Interest on the notes will be payable at  
the rate of 9% percent per annum.

John Kilcoyne,  
*Acting Fiscal Assistant Secretary.*

[FR Doc. 82-34830 Filed 12-22-82; 8:45 am]  
BILLING CODE 4810-40-M

# Sunshine Act Meetings

Federal Register

Vol. 47, No. 247

Thursday, December 23, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### CIVIL AERONAUTICS BOARD

[M-369 Amdt. 1; December 14, 1982]

Deletions From and Addition To the December 16, 1982 Meeting

**TIME AND DATE:** 9 a.m. (closed), 10 a.m. (open), December 16, 1982.

**PLACE:** Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

#### SUBJECT:

5. Conforming amendments to rules related to domestic baggage liability. (OGC)

6. Conforming changes to Part 250 to prepare for the end of the Board's domestic tariff authority. (OGC, BDA, OCCCA)

7. Discussion paper on the Board's voluntary submission of rulemakings to OMB. (OGC)

15. Docket EAS-791, Appeal of Moab, Utah concerning eligibility for inclusion in the small communities program. (BDA, OCCCA, OGC)

32a. Docket 408827, Dallas/Ft. Worth-London Case. (OGC)

**STATUS:** Open.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1852-82 Filed 12-20-82; 5:07 pm]

**BILLING CODE** 6320-01-M

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### FEDERAL DEPOSIT INSURANCE CORPORATION

Change 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 2:30 p.m. on Monday, December 20, 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 Mr. Doyle L. Arnold, acting in the place and stead of 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 matter:

Request of Elizabeth Savings Bank, Elizabeth, New Jersey, an insured state mutual savings bank, for reconsideration of a previous denial of its application 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.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter 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 21, 1982.  
Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-1854-82 Filed 12-21-82; 3:05 pm]

**BILLING CODE** 6714-01-M

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### 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 2:00 p.m. on Monday, December 20, 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 Mr. Doyle L. Arnold, acting in the place and stead of 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:

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, 536-L—Franklin National Bank, New York, New York  
Memorandum and Resolution re: American Bank & Trust, Orangeburg, South Carolina  
Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:  
Colorado, Martinez, Odell, Calabria, & Sierra, Hato Rey, Puerto Rico, in connection with the liquidation of Banco Credito Y Ahoro Ponceno, Ponce, Puerto Rico.

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 21, 1982.  
Federal Deposit Insurance Corporation.  
Hoyle L. Robinson,  
Executive Secretary.

[S-1855-82 Filed 12-21-82; 3:05 pm]

**BILLING CODE** 6714-01-M

4.

### NATIONAL MEDIATION BOARD

**TIME AND DATE:** 2 p.m., Wednesday, January 5, 1983.

**PLACE:** Board Hearing Room eighth floor, 1425 K Street, NW.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by

notation voting during the month of December, 1982.

2. Other priority matters which may come before the Board for which notice will be given at earliest practicable time.

**SUPPLEMENTARY INFORMATION:** Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Rowland K. Quinn, Jr., Executive Secretary; tel: (202) 523-5920.

**DATE OF NOTICE:** December 20, 1982.

[S-1833 Filed 12-21-82; 12:42 pm]

**BILLING CODE 7550-01-M**

# **federal register**

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Thursday  
December 23, 1982

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**Part II**

**Department of the  
Interior**

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**Bureau of Land Management**

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**Recreation Management; Prohibited Acts  
and Penalties; Proposed Rule**

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Part 8360

## Recreation Management; Prohibited Acts and Penalties

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The proposed rulemaking would provide regulations that set a minimum standard of conduct for persons using the public lands and the penalties that may be imposed for failure to obey the regulations. The rulemaking is needed to provide for consistency among the rules affecting recreation on the various kinds of Federal lands. The rulemaking would provide for safe, enjoyable and environmentally sound visitation on the public lands, free from unwarranted disturbance.

**DATE:** Comments by February 22, 1983.

**ADDRESSES:** Send comments to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Robert I. Conquergood (202) 343-9353.

**SUPPLEMENTARY INFORMATION:** This proposed rulemaking is similar to regulations of other Federal land management agencies, and would thus provide consistency among the rules with which visitors to national parks, national forests and public lands will have to comply. It would also provide protection not currently available to persons and property on the public lands.

The principal author of this proposed rulemaking is Robert I. Conquergood, Division of Recreation, Cultural and Wilderness Resources, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant

economic effect on a substantial number of small entities under the Regulatory Flexibility Act (4 U.S.C. 601 *et seq.*).

The rulemaking would serve to protect the recreation resources and opportunities on the public lands. The rulemaking would only affect individuals using the public lands for recreation purposes, or those who would destroy, damage or impair the recreational opportunities of others.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

## List of Subjects in 43 CFR Part 8360

Environmental protection, Penalties, Public lands—recreation, Recreation, Traffic regulations.

Under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), the Taylor Grazing Act (43 U.S.C. 315a), the Wild and Scenic Rivers Act (16 U.S.C. 1281c), the Act of September 15, 1960, as amended (16 U.S.C. 670 *et seq.*), the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a), and the National Trails System Act (16 U.S.C. 1241 *et seq.*), it is proposed to revise Part 8360, Group 8300, Subchapter H, Chapter II of Title 43 of the Code of Federal Regulations to read as set forth below:

## PART 8360—VISITOR SERVICES

## Subpart 8360—General

Sec.  
8360.0-3 Authority  
8360.0-7 Penalties

## Subpart 8361—Emergency Services [Reserved]

## Subpart 8362—Interpretive Services [Reserved]

## Subpart 8363—Resource and Visitor Protection [Reserved]

## Subpart 8364—Closures and Restrictions

8364.1 Closure and restriction orders.

## Subpart 8365—Rules of Conduct

8365.0-1 Purpose.  
8365.0-2 Objective.  
8365.1 Public lands—general.  
8365.1-1 Sanitation.  
8365.1-2 Occupancy and use.  
8365.1-3 Vehicles.  
8365.1-4 Public health, safety and comfort.  
8365.1-5 Property and resources.  
8365.1-6 Supplementary rules.  
8365.1-7 State and local laws.  
8365.2 Developed recreation sites and areas.  
8365.2-1 Sanitation.  
8365.2-2 Audio devices.  
8365.2-3 Occupancy and use.  
8365.2-4 Vehicles.  
8365.2-5 Public health, safety and comfort.

**Authority:** 43 U.S.C. 1701 *et seq.*, 43 U.S.C. 315a, 16 U.S.C. 1281c, 16 U.S.C. 670 *et seq.*, 16 U.S.C. 4601-6a, 16 U.S.C. 1241 *et seq.*

## Subpart 8360—General

## § 8360.0-3 Authority.

The regulations of this part are issued under the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), the Taylor Grazing Act (43 U.S.C. 315a), the Wild and Scenic Rivers Act (16 U.S.C. 1281c), the Act of September 18, 1960, as amended, (16 U.S.C. 677 *et seq.*), the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a) and the National Trails System Act (16 U.S.C. 1241 *et seq.*).

## § 8360.0-7 Penalties.

Any person convicted of violating any regulations in this part may be subject to a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

## Subpart 8361—Emergency Services [Reserved]

## Subpart 8362—Interpretive Services [Reserved]

## Subpart 8363—Resource and Visitor Protection [Reserved]

## Subpart 8364—Closures and Restrictions

## § 8364.1 Closure and restriction orders.

(a) To protect persons, property, and public lands and resources, the authorized officer may issue an order to close or restrict use of designated public lands.

(b) Each order shall:

- (1) Identify the public lands, roads, trails or waterways that are closed to entry or restricted as to use.
- (2) Specify the uses that are restricted;
- (3) Specify the period of time during which the closure or restriction shall apply;

(4) Identify those persons who are exempt from the closure or restrictions;

(5) Be posted in the local Bureau of Land Management Office having jurisdiction over the lands to which the order applies; and

(6) Be posted at places near and/or within the area to which the closure or restriction applies.

(c) In issuing orders pursuant to this section, the authorized officer, in his/her discretion, may have them published in the **Federal Register**.

(d) Any person who fails to comply with a closure or restriction order issued under this subpart may be subject to the penalties provided in § 8360.0-7 of this title.

**Subpart 8365—Rules of Conduct****§ 8365.0-1 Purpose.**

The purpose of this subpart is to set forth rules of conduct for the protection of public lands and resources, and for the protection, comfort and well-being of the public in its use of recreation areas, sites and facilities on public lands.

**§ 8365.0-2 Objective.**

The objective of this subpart is to insure that recreation areas, sites and facilities on public lands can be used by the maximum number of people with minimum conflict among users and minimum damage to public lands and resources.

**§ 8365.1 Public lands—general.**

The rules in this subsection shall apply to use and occupancy of all public lands. Additional rules for developed sites and areas are found in § 8365.2 of this title.

**§ 8365.1-1 Sanitation.**

On all public lands, no person shall:

- (a) Dispose of any cans, bottles and other nonflammable trash and garbage except in designated places or receptacles;
- (b) Dispose of flammable trash or garbage except by burning in authorized fires, or disposal in designated places or receptacles;
- (c) Drain or dump refuse or waste from any trailer or other vehicle except in places or receptacles provided for that purpose;
- (d) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property;
- (e) Pollute or contaminate water supplies or water used for human consumption; or
- (f) Use a refuse container or disposal facility for any purpose other than for which it is supplied

**§ 8365.1-2 Occupancy and use.**

On all public lands, no person shall:

- (a) Camp longer than the period of time permitted by the authorized officer; or
- (b) Leave personal property unattended longer than 10 days (12 months in Alaska), except as provided under § 8365.2-3(b) of this title, unless otherwise authorized. Personal property left unattended longer than 10 days (12 months in Alaska), without permission of the authorized officer, is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(m)).

**§ 8365.1-3 Vehicles.**

When operating a vehicle on the public lands, no person shall exceed posted speeds, willfully endanger persons or property, or act in a reckless, careless or negligent manner.

**§ 8365.1-4 Public health, safety and comfort.**

No person shall cause a public disturbance or create a risk to other persons on public lands by engaging in activities which include, but are not limited to, the following:

- (a) Making unreasonable noise;
- (b) Creating a hazard or nuisance;
- (c) Refusing to disperse, when directed to do so by an authorized officer;
- (d) Threatening, resisting or interfering with any Bureau of Land Management employee or volunteer engaged in performance of official duties; or
- (e) Knowingly giving any false or fraudulent report or other information to any Bureau of Land Management employee or volunteer engaged in the performance of official duties.

**§ 8365.1-5 Property and resources.**

(a) On all public lands, unless otherwise authorized, no person shall:

- (1) Willfully deface, disturb, remove or destroy any property, scientific, cultural, archaeological or historic resource, natural object or area;
- (2) Deface, disturb, remove or destroy plants or their parts, soil, rocks or minerals, except as permitted under paragraph (b) or (c) of this subsection; or
- (3) Use on the public lands explosive, motorized or mechanical devices to aid in the collection of specimens permitted under paragraph (b) or (c) of this subsection.

(b) Except on developed recreation sites and areas, or where otherwise prohibited and posted, it is permissible to collect from the public lands reasonable amounts of the following for noncommercial purposes:

- (1) Commonly available renewable resources such as flowers, berries, nuts, seeds, cones and leaves;
- (2) Nonrenewable resources such as rocks, minerals specimens, common invertebrate fossils and semiprecious gemstones;
- (3) Petrified wood as provided under subpart 3622 of this title; and
- (4) mineral materials and forest products as provided under subpart 3621 and group 5500, respectively, of this title.

(c) The collection of renewable or nonrenewable resources from the public lands for sale or barter to commercial dealers may be done only after obtaining a contract or permit from an

authorized officer in accordance with parts 3610 or 5400 of this title.

**§ 8365.1-6 Supplementary rules.**

The authorized officer may establish such supplementary rules as he/she deems necessary. These rules may provide for, but need not be limited to, the protection of persons, property, and public lands and resources.

- (a) The rules shall be available for inspection in each local office having jurisdiction over the lands, sites or facilities affected;
- (b) The rules shall be posted near and/or within the lands, sites or facilities affected; and
- (c) The rules may, in the discretion of the authorized officer, be published in the Federal Register.

**§ 8365.1-7 State and local laws.**

Except as otherwise provided by Federal law or regulation, State and local laws and ordinances shall apply. This includes, but is not limited to, State and local laws and ordinances governing:

- (a) Operation and use of motor vehicles, aircraft and boats;
- (b) Hunting and fishing;
- (c) Use of firearms or other weapons;
- (d) Injury to persons, or destruction or damage to property;
- (e) Air and water pollution;
- (f) Littering;
- (g) Sanitation; and
- (h) Use of fire.

**§ 8365.2 Developed recreation sites and areas.****§ 8365.2-1 Sanitation.**

On developed recreation sites and areas, no person shall:

- (a) Clean fish, game, other food, clothing or household articles at any outdoor hydrant, pump, faucet or fountain, or restroom water faucet;
- (b) Deposit human waste except in toilet or sewage facilities provided for that purpose; or
- (c) Bring an animal into such an area unless the animal is on a leash not longer than 6 feet or is otherwise physically restricted at all times.

**§ 8365.2-2 Audio devices.**

On developed recreation sites or areas, unless otherwise authorized, no person shall:

- (a) Operate or use any audio device such as a radio, television, musical instrument, or other noise producing device such as a motor or engine, in a manner that makes unreasonable noise;
- (b) Operate or use a public address system;

(c) Construct, erect or use an antenna or aerial for radiotelephone, radio or television equipment, other than on a vehicle or as an integral part of such equipment.

**§ 8365.2-3 Occupancy and use.**

In developed camping and picnicking facilities, no person shall:

(a) Pitch any tent, park any trailer, erect any shelter or place any other camping equipment in any area other than a designated campsite;

(b) Leave personal property unattended for more than 24 hours without permission of the authorized officer. Personal property left unattended for more than 24 hours, without permission of the authorized officer, is subject to disposition under

the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 484(m));

(c) Build any fire except in a stove, grill, fireplace or ring provided for such purpose;

(d) Enter or remain in campgrounds closed during established night periods except as an occupant or while visiting persons occupying the campgrounds for camping purposes;

(e) Enter or use a site or a portion of a site closed to public use; or

(f) Occupy a site with more people than permitted by the authorized officer.

**§ 8365.2-4 Vehicles.**

Within developed recreation sites or areas, no motor vehicle shall be driven where vehicles are prohibited.

**§ 8365.2-5 Public health, safety and comfort.**

On developed recreation sites and areas, unless otherwise authorized, no person shall:

(a) Discharge or use firearms, other weapons, or fireworks;

(b) Bring in or use an animal for saddle, pack or draft purposes; or

(c) Bring an animal, except a Seeing Eye or Hearing Ear dog, to a swimming area.

**Garrey E. Carruthers,**  
*Secretary of the Interior.*

November 26, 1982.

[FR Doc. 82-34792 Filed 12-22-82; 8:45 am]

**BILLING CODE 4310-84-M**

# **federal register**

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Thursday  
December 23, 1982

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**Part III**

## **Department of the Interior**

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**Minerals Management Service**

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**Outer Continental Shelf Mid-Atlantic:  
Proposed Oil and Gas Lease Sale No.76**

Proposed Notice of Sale  
Oil and Gas Lease Sale No. 76

Billing Code: 4310-MR

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf  
Mid-Atlantic

Proposed Oil and Gas Lease Sale No. 76

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (30 CFR 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982).

A revision of these regulations appeared in the Federal Register of

June 16, 1982, at 47 FR 26031 and 25967.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Atlantic Outer Continental Shelf (OCS) Region, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278. Bids may be delivered, either by mail or in person, to the above

address until 4:30 p.m., e.s.t., April 25, 1983. Bids will not be accepted on April 26, 1983, the day of the sale, at the sale site specified in

paragraph 6. Bids received by the Regional Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Regional Manager prior to 9:30 a.m., e.s.t., April 26, 1983.

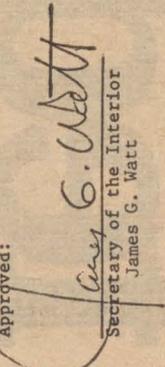
All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale was published in the Federal Register of October 6, 1982, at 47 FR 44166.

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed notice of sale. The following is a proposed notice of sale for Sale No. 76 in the waters offshore the Mid-Atlantic States. This notice is hereby published as a matter of information to the public.

  
Director, Minerals Management Service

DEC 20 1982

Harold E. Dole, Jr.

Date: 12/20/82  
Approved:   
Secretary of the Interior  
James G. Watt

3. Method of Bidding. Because of new streamlining procedures, tract numbers will not be used. A separate bid in a sealed envelope, labeled, "Sealed Bid for Oil and Gas Lease (insert sale number, official protraction diagram number, Block number, official protraction diagram name (if available)), not to be opened until 10 a.m., e.s.t., April 26, 1983," must be submitted for each block. For example, a bid on the first block appearing on the block list for this sale would identify the block as follows: 76-NK 18-12 Block 701 (New York). Paragraph 12, "Block Descriptions," lists which blocks must be bid on together as a single "bidding unit." For a bid on a "bidding unit," the sealed envelope containing the bid must be labeled with all blocks included in the "bidding unit." A suggested bid form appears in 30 CFR Part 256, Appendix A. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than all the unleased area of a block or bidding unit as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Partnerships also need to submit a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of \$8 per hectare or fraction thereof. Leases awarded under 4(b), (c), and (d) will provide for a minimum royalty of \$8 per hectare or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on the following blocks must be submitted on a cash bonus basis with a fixed net profit share rate of 30 percent and a capital recovery factor of 1.50:

Official Protraction Diagram No. NJ 18-6.

412	499
456	629

The net profit share payment shall be calculated according to the regulations currently codified in 10 CFR 390 (originally promulgated by the Department of Energy, 45 FR 36784, May 30, 1980). The Department of the Interior is in the process of redesignating those regulations.

(b) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on the following blocks must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described following the list of blocks:

Official Protraction Diagram No. NJ 18-3.

17-35	293-299	466
61-79	337-342	
105-123	378	
149-162, 165-167	381-385	
193-205, 209-211	422	
246-255	428	

Official Protraction Diagram No. NJ 18-5.

603-613	911-921
647-657	955-965
691-701	999-1009
735-745	
779-789	
823-833	
867-877	

Official Protraction Diagram No. NJ 19-1.

10-16	142-144
54-58	186-187
98-101	230

Official Protraction Diagram No. NJ 18-6.

490	837
534	881
573-578	884
617-622	925
661-666	926-927
705-709	969
749	
752	
793	

Official Protraction Diagram No. NJ 18-8.

764-778	894-906
808-822	938-950
852-866	982-996

Official Protraction Diagram No. NJ 18-11.

14-28	277-292
58-72	321-335
101-116	365-379
145-160	409-423
189-204	453-467
233-248	497-511

Official Protraction Diagram No. NK 18-12.

701-702  
744-746  
787-790  
829-834  
872-878  
915-922  
958-966  
1001-1010

Official Protraction Diagram No. NK 19-10.

242-247  
285-291  
327-335  
370-379  
413-423  
456-467  
499-511  
541-555  
584-599  
627-643  
669-687  
713-731  
757-775  
801-819  
845-863  
889-902  
933-944  
977-986

The following formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: When the quarterly value of production, adjusted for inflation, is less than or equal to \$15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$15.929026 million, but less than or equal to \$3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$R_j = b [\ln (V_j/S)]$$

where

$R_j$  = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter  $j$

$b = 9.0$

$\ln$  = natural logarithm

$V_j$  = the value of production in quarter  $j$ , adjusted for inflation, in millions of dollars

$S = 2.50$

When the adjusted quarterly value of production is equal to or greater than \$3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due,  $R_j$ , the calculation will be carried to five decimal places (for example, 22.11425

Official Protraction Diagram No. NJ 18-3.

237-245	630-641, 644-645	978-989
281-289	673-688	
325-333	716-725, 727-731	
369-377	760-769, 771-775	
412-421	804-814	
454-465	816	
497-512	847-857	
541-557	891-902	
585-597, 600-602	934-946	

Official Protraction Diagram No. NJ 18-5.

349	
392-393	
436-437	
479-481	
515-525	
559-569	

Official Protraction Diagram No. NJ 18-6.

10-19, 21	266-280	485-489
53-62, 65	309-321	529-533
92-102, 104-106	324	
138-148	353-365	
181-191	397-406	
224-233, 235	441-450	

percent). This calculation will incorporate the adjusted quarterly value of production,  $V_j$ , in millions of dollars rounded to the sixth digit, i.e., the nearest dollar (for example, \$29.178436 million).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the following blocks must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent:

Official Protraction Diagram No. NJ 18-8.

36-41	212-213
80-84	256
124-126	300
168-170	344

Official Protraction Diagram No. NJ 18-9.

1, 45

5. Equal Opportunity. Each bidder must have submitted by 4:30 p.m., e.s.t., April 25, 1983, the certification required by 41 CFR 60-1.7 (b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See Item 14, "Information to Lessees."

(d) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining blocks to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

Figure 1  
Form of the Sliding Royalty Schedule

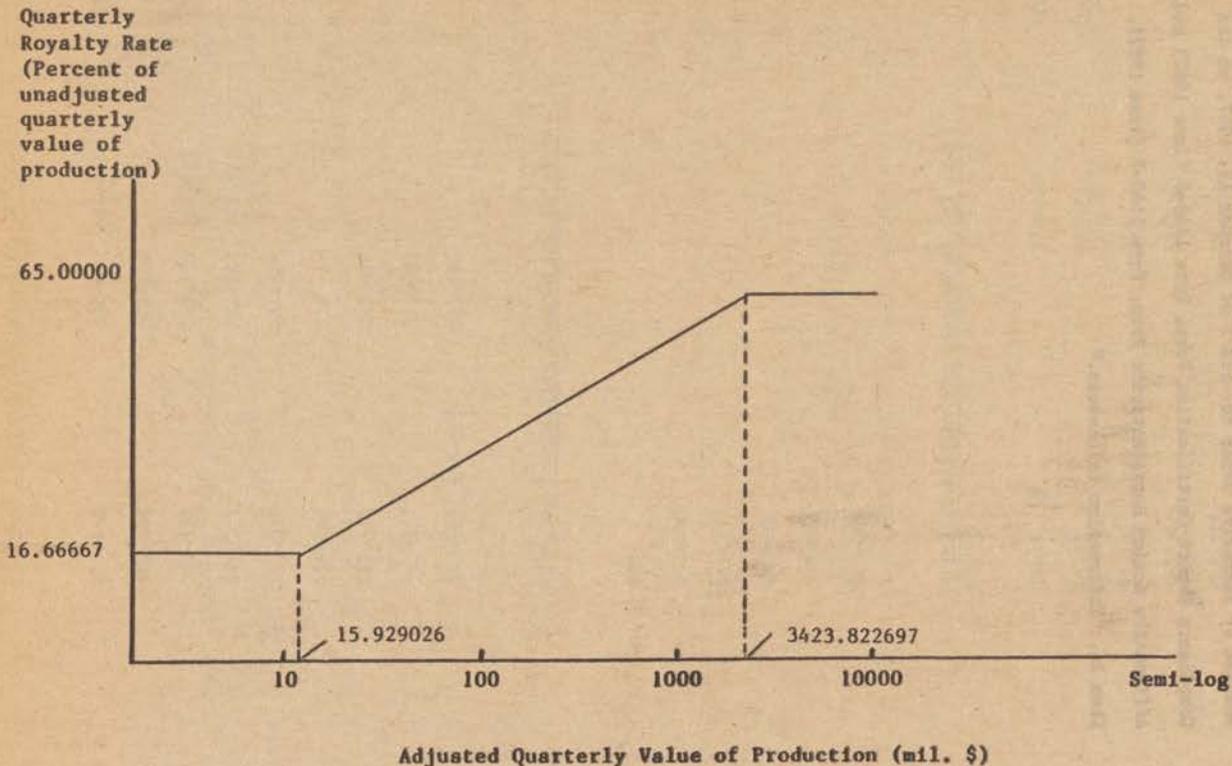


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A)	(B)	(C)	(D)	(E)	(F)
Actual Value of Quarterly Production (Millions of Dollars)	GNP Fixed Weighted Price Index	Inflation Factor <sup>1</sup>	Adjusted Value of Quarterly Production <sup>2</sup> (Vj, Millions of \$)	Percent Royalty Rate (Rj)	Royalty Payment <sup>3</sup> (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.66667
30.000000	200.0	4/3	22.500000	19.77502	5.93251
90.000000	200.0	4/3	67.500000	29.66253	26.69628
270.000000	200.0	4/3	202.500000	39.55004	106.78511
810.000000	200.0	4/3	607.500000	49.43755	400.44416
10.000000	250.0	5/3	6.000000	16.66667	1.66667
30.000000	250.0	5/3	18.000000	17.76673	5.33002
90.000000	250.0	5/3	54.000000	27.65424	24.88882
270.000000	250.0	5/3	162.000000	37.54175	101.36272
810.000000	250.0	5/3	486.000000	47.42926	384.17701

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

6. Bid Opening. Bids will be opened on April 26, 1983, beginning at 10:00 a.m., e.s.t., at (sale site to be announced).

The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, April 26, 1983, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any block. In any case, no bid for any block will be accepted and no lease for any block will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of \$371 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental and satisfy the bonding requirements of 30 CFR Part 256 Subpart I within the time provided in 30 CFR 256.47. A modification of the payments procedure for successful bidders appears in the revision of regulations discussed in paragraph 1, above. These changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Official Protraction Diagrams. Blocks offered for lease may be located on the following official protraction diagrams which may be purchased for \$2.00 each from the Regional Manager, Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180 or from the Regional Manager, Atlantic Outer Continental Shelf (OCS) Region, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278.

- (a) Outer Continental Shelf Official Protraction Diagram  
No. NK 18-12, New York (Approved October 31, 1974).
- (b) Outer Continental Shelf Official Protraction Diagram  
No. NK 19-10, Block Island Shelf (Approved June 22, 1977).
- (c) Outer Continental Shelf Official Protraction Diagram  
No. NJ 18-3 (Approved October 31, 1974).
- (d) Outer Continental Shelf Official Protraction Diagram  
No. NJ 19-1, Block Canyon (Approved June 22, 1977).
- (e) Outer Continental Shelf Official Protraction Diagram  
No. NJ 19-2, Veatch Canyon (Approved January 25, 1979).
- (f) Outer Continental Shelf Official Protraction Diagram  
No. NJ 18-5, Salisbury (Approved October 31, 1974).
- (g) Outer Continental Shelf Official Protraction Diagram  
No. NJ 18-6 (Approved October 31, 1974).
- (h) Outer Continental Shelf Official Protraction Diagram  
No. NJ 19-4 (Approved October 31, 1974).

- (i) Outer Continental Shelf Official Protraction Diagram  
No. NJ 19-5 (Approved June 2, 1980).
- (j) Outer Continental Shelf Official Protraction Diagram  
No. NJ 18-8, Chincoteague (Approved December 2, 1976).
- (k) Outer Continental Shelf Official Protraction Diagram  
No. NJ 18-9, Baltimore Rise (Approved December 6, 1976).
- (l) Outer Continental Shelf Official Protraction Diagram  
No. NJ 18-11, Currituck Sound (Approved April 25, 1978).
- (m) Outer Continental Shelf Official Protraction Diagram  
No. NJ 18-12, (Approved April 18, 1979).

12. Block Descriptions. Note: All blocks contain 2304 hectares, unless otherwise indicated on the lists which appear as items (b) and (c) of this section. A listing of currently leased blocks appears as item (d) of this section.

(a) All full blocks within the following list are offered for bid:

Official Protraction Diagram No. NK 18-12, New York (Approved October 31, 1974).

701-702	787-790	872-878	958-966
744-746	829-834	915-922	1001-1010

Official Protraction Diagram No. NK 19-10, Block Island Shelf (Approved June 22, 1977).

242-247	456-467	669-687	889-907
285-291	499-511	713-731	933-944
327-335	541-555	757-775	947-951
370-379	584-599	801-819	977-988
413-423	627-643	845-863	991-995

Official Protraction Diagram No. NJ 18-3 (Approved October 31, 1974).

17-35	281-289	412-422	760-784
61-79	293-299	428-431	804-814
105-123	325-333	454-466	816-828
149-167	337-343	473-475	847-857
193-211	369-378	497-512	860-872
237-255	381-387	516-519	891-916
			934-960
			978-1004

Official Protraction Diagram No. NJ 19-1, Block Canyon (Approved June 22, 1977).

10-27	274-291	538-555	801-819
54-71	318-335	582-599	845-863
98-115	362-379	626-643	889-907
142-159	406-423	670-687	933-951
186-203	450-467	714-731	977-1012
230-247	494-511	757-775	

Official Protraction Diagram No. NJ 19-2, Veatch Canyon (Approved January 25, 1979).

969-974			
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Official Protraction Diagram No. NJ 18-5, Salisbury (Approved October 31, 1974).

349	515-525	691-701	867-877
392-393	559-569	735-745	911-921
436-437	603-613	779-789	955-965
479-481	647-657	823-833	999-1009

Official Protraction Diagram No. NJ 18-6 (Approved October 31, 1974).

10-36	266-300	493-520	705-740	884-916
53-62	309-321	529-534	749	925-960
64-80	324-344	537-564	752-784	969-1004
96-124	353-365	573-578	793	
138-168	368-388	581-608	795-828	
181-192	397-432	617-623	837	
195-212	441-476	626-652	839-872	
224-256	485-490	661-696	881	

Official Protraction Diagram No. NJ 19-4 (Approved October 31, 1974).

9-44	229-259	449-470	669-682
53-88	273-301	493-513	716-724
97-132	317-343	537-555	761-766
141-174	361-386	581-597	
185-217	405-428	625-639	

Official Protraction Diagram No. NJ 19-5 (Approved June 2, 1980).

1-2			
45-46			

Official Protraction Diagram No. NJ 18-8, Chincoteague (Approved December 2, 1976).

26-41	300-305	564-569	808-833	982-996
80-85	344-349	608-613	852-877	998-1009
124-129	388-393	652-657	894-906	
168-173	432-437	696-701	910-921	
213-217	476-481	740-745	938-950	
256-261	520-525	764-789	954-965	

Official Protraction Diagram No. NJ 18-9, Baltimore Rise (Approved December 6, 1976).

1-36	265-301	529-565	793-829
45-80	309-345	573-609	837-873
89-125	353-389	617-653	881-917
133-169	397-433	661-697	925-961
177-213	441-477	705-741	969-1005
221-257	485-521	749-785	

(b) All partial blocks within the following list are offered for bid:

Official Protraction Diagram No. NJ 18-11, Currituck Sound (Approved June 25, 1978).

14-41	145-173	277-305	409-437
58-85	189-217	321-349	453-481
101-129	233-261	365-393	497-525

Official Protraction Diagram No. NJ 18-12 (Approved April 18, 1979).

1-14	133-144	265-274	397-404
45-57	177-187	309-317	441-447
89-100	221-230	353-361	485-491

Partial Block List

Official Protraction Diagram No. NJ 18-3 (Approved October 31, 1974).

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
167	1191.12	387	1576.64	563	1883.79
211	1268.36	431	1653.53	607	1960.41
255	1345.54	475	1730.36	651	2036.95
299	1422.64	519	1807.11	695	2113.42
343	1499.67			739	2189.82

Official Protraction Diagram No. NJ 19-1, Block Canyon (Approved June 22, 1977).

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
142	1191.12	362	1576.64	538	1883.79
186	1268.36	406	1653.53	582	1960.41
230	1345.54	450	1730.36	626	2036.95
274	1422.64	494	1807.11	670	2113.42
318	1499.67			714	2189.82

Official Protraction Diagram No. NJ 18-6 (Approved October 31, 1974).

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
476	1173.80	652	1473.87	828	1772.79
520	1248.93	696	1548.71	872	1847.34
564	1323.98	740	1623.47	916	1921.82
608	1398.96	784	1698.17	960	1996.23
				1004	2070.57

Official Protraction Diagram No. NJ 19-4 (Approved October 31, 1974).

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
449	1173.80	537	1323.98	625	1473.87
493	1248.93	581	1398.96	669	1548.71

Official Protraction Diagram No. NJ 18-9, Baltimore Rise (Approved December 6, 1976).

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
36	2144.83	829	1165.26	917	1310.97
80	2219.02	873	1238.15	961	1383.71
				1005	1456.39

(c) The following blocks must be bid on together, as grouped into numbered bidding units:

OFFICIAL PROTRACTION DIAGRAM	BLOCK	BLOCK HECTARES	BIDDING UNIT HECTARES	OFFICIAL PROTRACTION DIAGRAM	BLOCK	BLOCK HECTARES	BIDDING UNIT HECTARES	
1) NK 18-12	702	336.81	1503.28	NJ 18-3 (Cont'd)	1004	342.74	1906.46	
	746	414.83			801	38.41		
NK 19-10	669	336.81			845	114.60		
	713	414.83			889	190.72		
2) NK 18-12	790	492.77	2126.82	12) NJ 19-1	757	0.0005	2266.1505	
	834	570.64			758	2266.15		
NK 19-10	757	492.77						
	801	570.64						
3) NK 18-12	878	648.45	1296.90	13) NJ 18-6	36	418.65	1826.26	
NK 19-10	845	648.45				80		494.48
4) NK 18-12	922	726.18	1452.36	NJ 19-4	9	418.65		
NK 19-10	889	726.18			53	494.48		
5) NK 18-12	966	803.84	1607.68	14) NJ 18-6	124	570.25	1140.50	
NK 19-10	933	803.84			NJ 19-4	97		570.25
6) NK 18-12	1010	881.44	1762.88	15) NJ 18-6	168	645.94	1291.88	
NK 19-10	977	881.44			NJ 19-4	141		645.94
7) NJ 18-3	35	958.96	1917.92	16) NJ 18-6	212	721.56	1443.12	
NJ 19-1	10	958.96			NJ 19-4	185		721.56
8) NJ 18-3	79	1036.42	2072.84	17) NJ 18-6	256	797.11	1594.22	
NJ 19-1	54	1036.42			NJ 19-4	229		797.11
9) NJ 18-3	123	1113.80	2227.60	18) NJ 18-6	300	872.59	1745.18	
NJ 19-1	98	1113.80			NJ 19-4	273		872.59
10) NJ 18-3	783	2266.15	2266.1505	19) NJ 18-6	344	948.00	1896.00	
	784	0.0005			NJ 19-4	317		948.00
11) NJ 18-3	828	38.41	266.76	20) NJ 18-6	388	1023.34	2046.68	
	872	114.60			NJ 19-4	361		1023.34
	916	190.72						
	960	266.76						

(d) No bid will be considered for the following blocks. Any bid submitted on the following blocks will be returned unopened to the bidder.

Leased Block List

BIDDING UNIT HECTARES

BLOCK HECTARES

BLOCK

Official Protraction Diagram No. NJ 18-3 (Approved October 31, 1974).

163	598	693	737
164	599	694	770
206	642	726	780
207	643	736	953
208			

2197.22

1098.61  
1098.61

432  
405

21) NJ 18-6  
NJ 19-4

2293.15

2288.52  
4.63

124  
125

22) NJ 18-9

Official Protraction Diagram No. NJ 18-6 (Approved October 31, 1974).

20	371	581	801
64	372	582	802
103	413	585	839
107	414	586	840
112	415	587	843
149	451	623	844
150	457	628	845
151	458	630	885
192	493	671	886
199	494	672	887
234	495	673	888
243	500	715	889
284	501	716	928
285	537	753	929
326	538	754	931
327	539	757	932
328	541	758	972
329	542	795	973
369	543	796	974
370	544	797	

1487.37

505.97  
579.52  
652.99

169  
213  
257  
301  
345  
389

23) NJ 18-9

1738.48

726.39  
799.71

433  
477  
521

24) NJ 18-9

1526.10

872.97  
946.15

565  
609

25) NJ 18-9

1819.12

1019.26  
1092.29

653  
697

26) NJ 18-9

2111.55

741  
785

741  
785

27) NJ 18-9

Official Protraction Diagram No. NJ 18-8, Chincoteague, (Approved, December 2, 1976).

85  
347

Official Protraction Diagram No. NJ 18-9, Baltimore Rise, (Approved, December 6, 1976).

4	48	92	134
5	49	93	177
6			

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale for the following blocks will be for an initial term of 5 years:

Official Protraction Diagram No. NK 18-12, New York.

## All Blocks

Official Protraction Diagram No. NK 19-10, Block Island Shelf.

## All Blocks

Official Protraction Diagram No. NJ 18-3.

17-35	281-289	412-422	517-519	716-736	891-904
61-79	293-299	428-431	541-557	760-779	934-947
105-123	325-333	454-466	562-563	804-814	978-991
149-167	337-343	473-475	585-604	816-821	
193-211	369-378	497-512	630-649	847-857	
237-255	381-387		673-693	860-863	

Official Protraction Diagram No. NJ 19-1, Block Canyon.

10-27	98-115	186-193	318-321
54-71	142-153	230-235	362-364
		274-279	40

Official Protraction Diagram No. NJ 18-5, Salisbury.

## All blocks

Official Protraction Diagram No. NJ 18-6.

10-21	266-281	529-534	749	925-927
53-62	309-321	537-540	752-754	969-970
64-65	324	573-578	793	
96-108	353-365	580-583	795-798	
138-151	397-410	617-623	837	
181-194	441-454	626	839-841	
224-238	485-490	661-668	881	
	493-497	705-711	884	

Official Protraction Diagram No. NJ 18-8, Chincoteague.

36-41	256-259	520	938-950
86-85	300-302	764-780	954-955
124-129	344-346	808-824	982-996
168-173	388-389	852-867	998-999
212-215	432	894-906	
217	476	910-911	

Official Protraction Diagram No. NJ 18-9, Baltimore Rise.

1-2	45	89
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Official Protraction Diagram No. NJ 18-11, Currituck Sound.

14-30	145-161	277-293	409-424
58-74	189-205	321-337	453-468
101-118	233-249	365-381	497-512

All other leases issued as a result of this sale will be for an initial term of 10 years. Leases issued as a result of this sale will be on Form MMS-2005 (August 1982), available from the Regional Manager, at the address stated in paragraph 2.

(b) For leases resulting from this sale for blocks offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4(b), Form MMS-2005 will be amended as follows:

Sec. 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows: when the quarterly value of production, adjusted for inflation, is less than or equal to \$15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$15.929026 million, but less than or equal to \$3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b [\ln (V_j/S)]$$

where

$R_j$  = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter  $j$

$$b = 9.0$$

$\ln$  = natural logarithm

$V_j$  = the value of production in quarter  $j$ , adjusted for inflation, in millions of dollars

$$S = 2.50$$

When the adjusted quarterly value of production is equal to or greater than \$3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due,  $R_j$ , the calculation will be carried to five decimal places (for example, 22.11425 percent). This calculation will incorporate the adjusted quarterly value of production,  $V_j$ , in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, \$29.178436 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) For leases resulting from this sale for blocks offered on a cash bonus basis with a fixed net profit share, as listed in paragraph 4(a), Form MMS-2005 will be amended as follows:

Sec. 4. Rentals. The phrase, "which commences prior to a discovery in paying quantities of oil or gas on the leased area," is hereby deleted and replaced by, "which commences prior to the date the first net profit share payment becomes due."

Stipulation No. 1

The lessee agrees that if any site, structure, or object of possible historical or archeological significance, hereinafter referred to as a "cultural resource," should be discovered during the conduct of any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," he shall report immediately such findings to the RS and make every reasonable effort to protect the cultural resource from damage until the RS has given directions as to its protection.

If the RS has reason to believe that a cultural resource may exist in the leased area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

(1) Prior to any operation, the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the RS, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced as well as other pertinent natural and cultural environmental data shall be examined by an archeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessments prepared by an archeologist and geophysicist shall be submitted by the lessee to the RS.

(2) If such cultural resource indicators are present, the lessee shall: (a) locate the site of such operation so as not to adversely affect the identified location; or (b) establish to the satisfaction of the RS, on the basis of further archeological investigation conducted by an archeologist and geophysicist using such survey equipment and techniques as deemed necessary by the RS, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of this investigation prepared by the archeologist and geophysicist shall be submitted to the RS for review. Should the RS determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the RS has given directions as to its protection.

Stipulation No. 2

To be included in all leases resulting from this sale except for the following blocks:

Official Protraction Diagram No. NJ 18-3.

17-35	193-205	325-333	428-431	541-557	644-648	771-777	934-947
61-79	209-211	337-343	454-466	560-563	673-692	804-814	978-990
105-123	237-255	369-378	473-475	585-597	716-725	816-819	
149-162	281-289	381-387	497-512	600-604	727-734	847-861	
165-167	293-299	412-422	516-519	630-641	760-769	891-903	

Sec. 5. Minimum Royalty. Hereby deleted.Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share.

The lessee agrees to pay a net profit share rate of 30 percent with a 1.50 capital recovery factor, calculated pursuant to 10 CFR 390.

(d) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term RS refers to the Regional Supervisor, Offshore Field Operations, Atlantic OCS Region, Minerals Management Service.

Official Protraction Diagram No. NJ 18-5.

349 603-613 867-877  
 392-393 647-657 911-921  
 436-437 691-701 955-965  
 479-481 735-745 999-1009  
 515-525 779-789  
 559-569 823-833

Official Protraction Diagram No. NJ 18-6.

10-19 181-191 441-450  
 21 224-233 452  
 53-62 235-237 453  
 96-102 266-281 485-490  
 104-106 309-321 496  
 108 353-365 529-534  
 138-148 397-410 573-578

Official Protraction Diagram No. NJ 18-8.

36-41 256-259 476  
 80-84 300-302 764-779  
 124-129 344-345 808-823  
 168-173 388-389 852-867  
 212-215 432 894-906

Official Protraction Diagram No. NJ 18-11.

14-30 233-249 453-468  
 58-74 277-293 497-512  
 101-117 321-336  
 145-161 365-380  
 189-205 409-424

Official Protraction Diagram No. NJ 19-1.

10-27 230-235 406  
 54-67 274-277  
 98-107 318-319  
 142-149 362  
 186-190 363

Official Protraction Diagram No. NK 18-12.

701-702 872-878  
 744-746 915-922  
 787-790 958-966  
 829-834 1001-1010

Official Protraction Diagram No. NK 19-10.

242-247 456-467 669-687 889-907  
 285-291 499-511 713-731 933-944  
 327-335 541-555 757-775 947-951  
 370-379 584-599 801-819 977-988  
 413-423 627-643 845-863 991-995

If available environmental information indicates that biological populations or habitats which require special protection may exist in proximity to a proposed drill site, the RS may require the lessee to conduct environmental surveys or studies, which may include field sampling or monitoring, as approved by the RS, to determine existing environmental conditions, the extent and composition of the populations or habitats, and the effects of proposed or existing operations on those populations or habitats which might require additional protective measures. Special biological resources include, but are not limited to: (1) very unusual, rare, or uncommon ecosystems; (2) a species of limited regional distribution that may be adversely affected by any lease operation. The RS shall provide written notice to the lessee of his decision to require such surveys. The nature and extent of any surveys or studies will be determined by the RS on a case-by-case basis.

If the RS determines, based on available environmental information, including any surveys or studies which the RS may require of the lessee, that biological populations or habitats requiring special protection do exist in proximity to a proposed drill site, the lessee will be required to undertake protective measures that may include, but are not limited to: (1) relocating the site of operations so as not to adversely affect the biological populations or habitats identified; or (2) modifying operations, such as the disposal of drilling muds and cuttings, in such a way so as not to adversely affect the biological populations or habitats; or (3) establishing to the satisfaction of the RS that such operations will not adversely affect the biological populations or habitats identified. The lessee shall submit all data obtained in the course of surveys or monitoring programs to the RS, with the locational information for drilling or other activity.

Operations, including siting, must be conducted to insure the protection and continued viability of the populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended. The lessee may take no action that might result in any adverse effect on the biological populations or habitats identified, until the RS provides written directions to the lessee with regard to permissible actions.

In the event that populations or habitats deserving protection are identified subsequent to commencement of or during operations, the lessee shall make every reasonable effort to preserve and protect all such biological populations and habitats within the leased area from damage until the RS provides written instructions to the lessee with regard to the biological populations or habitats identified.

881  
 925-927  
 969-970

617-622  
 661-667  
 705-711  
 749  
 752  
 793  
 837

910  
 938-950  
 954  
 982-996

Stipulation No. 3.

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technologically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Intergovernmental Planning Program for Outer Continental Shelf Oil and Gas Leasing, Transportation and Related Facilities, with the participation of Federal and State governments, industry, and private interests. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis.

All valves, taps or other irregular surfaces that might be vulnerable or might damage fishing gear will be buried to a minimum of one foot or to a depth suitable for adequate protection or covered with an approved protective dome which will allow commercial trawling gear to pass over the structure without snagging or damaging the structure or fishing gear, as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the RS. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all applicable sections of Titles 33 and 46 of the U.S. Code and the regulations issued thereunder by the U.S. Coast Guard.

Stipulation No. 4

The RS may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the RS, or by transporting the material to disposal sites approved by the Environmental Protection Agency. After consultation with the Environmental Protection Agency, the RS shall determine the method of disposal based upon review of relevant sources of information.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data from relevant sources, the RS may require the lessee to reinject formation waters. The RS shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

To be included only in leases resulting from this sale for the following blocks:

Official Protraction Diagram No. NK 18-12, New York.

701-702	787-790	872-878	958-966
744-746	829-834	915-922	1001-1010

Official Protraction Diagram No. NK 19-10, Block Island Shelf.

242-247	456-467	669-687	889-907
285-291	499-511	713-731	933-944
327-335	541-555	757-775	947-951
370-379	584-599	801-819	977-998
413-423	627-643	845-863	991-995

Official Protraction Diagram No. NJ 18-3.

19-35	245-255	454-458	585-592	716-725
64-79	293-299	473-475	605-607	727
109-123	337-343	497-503	630-637	738-739
154-162	381-387	516-519	649-651	760-769
165-167	412-413	541-548	673-682	771-772
199-205	428-431	561-563	695	781-784
209-211				
804-814	847-857	869-872	934-952	1001-1004
816-817	860-862	891-907	957-960	
825-828		913-916	978-997	

Official Protraction Diagram No. NJ 19-1, Block Canyon.

10-27	274-291	538-555	801-819
54-71	318-335	582-599	845-863
98-115	362-379	626-643	889-907
142-159	406-423	670-687	933-951
186-203	450-467	714-731	977-1012
230-247	494-511	757-775	

Official Protraction Diagram No. NJ 19-2, Veatch Canyon.

969-974

Official Protraction Diagram No. NJ 18-5, Salisbury.

392-393	559-569	735-745	911-921
436-437	603-613	779-789	955-965
479-481	647-657	823-833	999-1009
515-525	691-701	867-877	



Department of Defense flight, testing or operational activities conducted within individual, designated warning areas. Necessary monitoring, control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

#### Stipulation No. 6

To be included only in leases resulting from this sale for all blocks offered within Official Protraction Diagram Nos. NJ 18-5, NJ 18-6, NJ 18-8, NJ 18-9, NJ 18-11, NJ 18-12, NJ 19-4, and NJ 19-5.

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the National Aeronautics and Space Administration (NASA) Wallops Flight Center. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the NASA Wallops Flight Center, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, shall enter into an agreement with the Director, Wallops Flight Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated areas and will provide for the avoidance of interference with the programs and activities of the NASA Wallops Flight Center.

(c) Upon recommendation by the Director, Wallops Flight Center, when the activities of the NASA Wallops Flight Center may endanger personnel or property, the lessee agrees, upon receipt of notice from the RS, to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty-eight (48) hours or within such longer period as may be specified by the RS. The RS shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by subsequent notice from the RS. Equipment and structures may remain in place on the lease during such time as the evacuation remains in effect.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, in accordance with the requirements specified by the Director, Wallops Flight Center, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the NASA Wallops Flight Center.

Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Director, Wallops Flight Center, provided, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communications during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

#### Stipulation No. 7

This stipulation will apply to the following blocks which have been identified, in conjunction with Sale No. 59, as having potential for undetonated explosives: Official Protraction Diagram No. NJ 18-3, blocks 903-911, 949-952, 954, and 993-997; Official Protraction Diagram No. NJ 18-6, blocks 25-28, 69-71, 113, 114, and 157. In addition, this stipulation may apply to other blocks in the Sale No. 76 area with a high probability of containing undetonated explosives or radioactive wastes. Any additional blocks will be listed in the final notice of sale.

effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form, MMS-2005 (August 1982) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5 (a) (1) and 60-1.7 (a) (1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

Operations of some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4 (e) of the Outer Continental Shelf Lands Act of 1953, as amended.

At least 20 days prior to moving a rig on-site, the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, New York, N.Y. 10278, in writing, stating on what date a rig is

If the RS believes any undetonated explosives or radioactive materials may exist in the lease area, the lessee shall conduct surveys as specified by the RS to determine the location of any such materials. Upon completion of such surveys, the lessee shall forward a report and all pertinent data to the RS for review. Should the RS determine that the existence of undetonated explosives or radioactive materials may adversely affect any activity or operation, such as the construction or placement of any structure for exploration or development on the lease, or pose an environmental hazard such as the release of radioactive materials from drums or canisters, the lessee shall take no action until the RS has given directions as to the conduct of that operation.

#### Stipulation No. 8.

No structures or drilling rigs will be allowed west of 74° 15' west longitude within the following blocks: Official Protraction Diagram No. NJ 18-8, blocks 36, 80, 124, 168, 212, 256, 300, 344, 388, 432, 476, 520, 564, 608, 652, 696, and 740.

**14. Information to Lessees.** In the enforcement of the Biological Resources Stipulation (Stipulation No. 2), the RS will receive recommendations from a Biological Task Force (BTF) composed of designated representatives of the Minerals Management Service, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Environmental Protection Agency. The BTF will consult with the affected States. The RS will consult with the BTF on the conduct of biological surveys by lessees, the appropriate course of action after surveys have been conducted, and on the administration of the biological/environmental aspects of the above-mentioned stipulation.

Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become

to be moved on-site. This would apply to lessees of the following blocks identified, in conjunction with Sale No. 59, as having a high probability of containing undetonated explosives: Official Protraction Diagram No. NJ 18-3, blocks 905, 906, 907, 908, 909, 910, 911, 949, 950, 951, 952, 954, 993, 994, 995, 996, and 997; Official Protraction Diagram No. NJ 18-6, blocks 25, 26, 27, 28, 69, 70, 71, 113, 114, and 157.

It may also apply to additional blocks in the Sale No. 76 area identified as having undetonated explosives or radioactive wastes. Any additional blocks will be listed in the final notice of sale.

Bidders are advised that the Departments of the Interior and

Transportation have entered into a Memorandum of Understanding dated

May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate, a royalty rate based on a sliding scale, or a net profit share payment.

The following list of blocks were offered in Sale No. 59 and reoffered in Sale No. RS-2, but were not leased:

- Mass Movement

NJ 18-3:

733 NW1/4SW1/4, S1/2SE1/4, NE1/4SE1/4  
734 W1/2SW1/4  
735 SW1/4  
777 N1/2NE1/4  
781 SE1/4, E1/2SW1/4, SW1/4SW1/4, S1/2NE1/4, SE1/4NW1/4  
824 SE1/4, SW1/4, S1/2NE1/4, S1/2NW1/4  
867 SE1/4NW1/4, NE1/4SW1/4, S1/2NE1/4, N1/2SE1/4  
910 W1/2NW1/4, NE1/4NW1/4, NE1/4, SE1/4, SE1/4SW1/4  
911 S1/2, S1/2NW1/4, NW1/4NW1/4, S1/2NE1/4, NE1/4NE1/4  
954 NW1/4SW1/4, NE1/4NW1/4, N1/2NE1/4, SE1/4NE1/4  
990 SW1/4NW1/4, N1/2SW1/4  
993 NE1/4SE1/4

NJ 18-6:

22 E1/2NE1/4  
23 S1/2NW1/4, NW1/4NW1/4, N1/2SW1/4, W1/2SE1/4  
28 SE1/4SE1/4  
63 NE1/4SE1/4  
108 SW1/4NE1/4, NW1/4SE1/4  
114 SW1/4SW1/4  
157 NE1/4NE1/4  
453 SE1/4  
454 S1/2NW1/4  
496 NE1/4SE1/4  
497 NW1/4, NW1/4NE1/4, NW1/4SW1/4  
566 S1/2SW1/4, NE1/4SW1/4  
627 N1/2NW1/4  
800 SW1/4SE1/4  
975 SW1/4SW1/4

NJ 18-8:

304 SE1/4SE1/4  
305 SW1/4SW1/4  
348 E1/2NE1/4, E1/2SE1/4

NJ 18-9:

50 N1/2NE1/4  
90 SE1/4SW1/4  
133 E1/2NE1/4, NE1/4SE1/4

In the Sale No. 59 and RS-2 offering, these blocks were assigned a geologic hazards stipulation due to possible mass movement of sediments and shallow faulting.

In this sale, Sale No. 76, lessees are informed that these blocks will not be assigned a geologic hazards stipulation, but the lessees are alerted to the possibility that mass movement of sediments could occur and shallow faults are present on the blocks listed. The lessees are also informed that this list may not be all inclusive as other blocks in the Sale No. 76 offering may contain these same geohazards.

Lessees are also informed that seismic reflection data indicate that clathrates (solid gas hydrates) may exist in upper sedimentary layers of the continental slope and rise in the Sale No. 76 area in water depths exceeding 2,000 meters. Special drilling procedures may be required in these areas.

For those blocks listed in paragraph 13 providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a) (3), the lessee shall submit to the Minerals Management Service either an exploration plan or a general statement of exploration intentions prior to the end of the ninth lease year.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Mid-Atlantic OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

# **federal register**

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Thursday  
December 23, 1982

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## **Part IV**

### **Department of Commerce**

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**National Oceanic and Atmospheric  
Administration**

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**Fisheries Obligation Guarantee Program;  
Final Rule**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 255

[Docket No. 21 117-233]

## Fisheries Obligation Guarantee Program

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service, Commerce.

**ACTION:** Final rule.

**SUMMARY:** NOAA issues a final rule to implement the American Fisheries Promotion Act amendments to Title XI of the Merchant Marine Act, 1936. This final rule is a modification of the rule proposed on August 3, 1982 (47 FR 33648). The modification is in response to public comment and for clarification. This rule will extend the availability of guaranteed financing under the Title XI Program to fisheries shoreside facilities and make other changes in the existing vessel financing program.

**EFFECTIVE DATE:** December 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 202-634-7496.

**SUPPLEMENTARY INFORMATION:** The Fisheries Obligation Guarantee Program provides a Federal guarantee of the debt portion of the cost of constructing, reconstructing, reconditioning, or (under limited circumstances) purchasing fishing vessels and fisheries shoreside facilities. The Agency is authorized to guarantee financing of up to 87½ percent of the cost of such vessels or facilities. Guaranteed debt maturities may be up to 25 years. In order to secure its guarantee, the Federal Government holds and services (as mortgagee) a mortgage on the property financed and such other collateral as the Agency deems necessary. The security for the private obligee (the lender or investor) who funds the guaranteed financing is the Federal guarantee of the debt obligation held and serviced by that private obligee.

The following is a description of how the Program works:

(1) An obligor (the borrower) applies to the Agency. A filing and commitment fee, 75 percent of which is nonrefundable, is required at the time of application.

(2) The Agency conducts an investigation of the obligor and an analysis of the project to determine eligibility for a guarantee. This is a

standard risk assessment evaluation, involving such factors as the obligor's demonstrated fisheries ability and experience, character and reputation, past record of operations, and financial condition; and the financial, economic, and technical feasibility of the project.

(3) If the project is approved for a guarantee, the Agency issues a letter approving in principle the issuance of a guarantee for financing. This letter states all the terms and conditions under which a guarantee will be issued. The remaining 25 percent of the obligor's filing and commitment fee is earned by the Agency at this point. If the project is not approved for a guarantee, the Agency issues a declination letter and returns to the applicant the remaining 25 percent of the filing and commitment fee.

(4) The obligor accepts the Agency's terms and conditions as stated in the Approval in Principle letter.

(5) The obligor and the Agency cooperate in selecting a private obligee (the lender or investor) willing, with the Agency's guarantee, to fund the financing under terms acceptable to the obligor and the Agency.

(6) Once a private obligee has agreed to commit funds to the obligor, under terms acceptable to the Agency and the obligor, the Agency issues a guarantee commitment which is signed by the obligor, the private obligee, and the Agency. At this point, all three parties are bound to the terms and conditions of the financing and the guarantee.

(7) Closing documents are prepared and approved as to form, the financing is closed, and the proceeds are disbursed. The private obligee receives a debt obligation from the obligor and a guarantee of repayment from the Federal Government. The Agency receives from the obligor a mortgage on the property financed and such other collateral as has been required. The obligor receives from the private obligee the proceeds of the financing.

(8) Payments on the debt obligation are made by the obligor to the private obligee. Annual guarantee fees are paid by the obligor to the Agency.

(9) If the obligor fails to pay the private obligee as provided in the guaranteed debt obligation, the private obligee may demand payment under the Agency's guarantee.

(10) Once the Agency is required to make payment under the guarantee, the Agency liquidates the debt obligation by foreclosing on its collateral and/or by pursuing all other collection remedies available to the Agency.

Prior to enactment of the American Fisheries Promotion Act (AFPA), the Agency was authorized to guarantee

financing only for the construction, reconstruction, or reconditioning of fishing vessels. The American Fisheries Promotion Act made the following changes in the fisheries portion of the Title XI Program:

(1) Authorized guaranteed financing of the cost of constructing, reconstructing, or reconditioning fisheries shoreside facilities.

(2) Authorized, under certain limited conditions, guaranteed financing of the cost of purchasing used fishing vessels or fisheries shoreside facilities.

(3) Authorized guaranteed financing for fishing vessels and fisheries shoreside facilities to be used in developing fisheries, where risks may be greater than in more traditional fisheries.

(4) Created separate subfunds in the Federal Ship Financing Fund for income/expenses related to traditional financing risks and income/expenses related to higher-risk developing fisheries.

(5) Expanded the definitions of reconstruction and reconditioning, but excluded routine minor repairs and maintenance.

(6) Extended eligibility for guarantees to nationals of the United States and citizens of the Northern Mariana Islands.

(7) Made it clear that, for the purposes of determining eligibility for guarantees, the term "State" as used in section 2 of the Shipping Act, 1916 (46 U.S.C. 802) includes any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States.

(8) Authorized guaranteed financing for the purchase, reconstruction, or reconditioning of previously guaranteed vessels or facilities which are sold at a foreclosure sale instituted by the Agency or sold by the Agency itself after purchase of such collateral at a foreclosure sale.

A notice of proposed rulemaking relative to these changes in Title XI was published on August 3, 1982 (47 FR 33648). Sixty-six comments were received in response to this notice. After considering these comments, the Agency has decided to make the following changes in the proposed rulemaking.

*Comments and responses:*

(1) Several parties commented that filing and commitment fees based on a flat percentage of project cost could produce higher than warranted filing and commitment fees in connection with higher-cost projects.

In general, higher-cost projects do involve higher processing costs. Since the risk of loss is higher, the degree of investigation is also higher. Higher-cost projects also most often involve more complicated closing, and this will be particularly true when the Agency is ready to begin using guaranteed bonds, rather than guaranteed notes, for the higher-cost financings. The Agency does agree, however, that the proposed fee basis could produce fees higher than warranted in the case of very high cost projects. The proposed filing and commitment fee has, consequently, been reduced from  $\frac{1}{2}$  of 1 percent of the total project cost to  $\frac{1}{4}$  of 1 percent of the first \$2,000,000 (or any portion thereof) of project cost and  $\frac{1}{4}$  of 1 percent of all project cost over \$2,000,000.

(2) One party commented that the filing fee should be partially refundable if changed circumstances required withdrawing an application.

Nonrefundability of the Agency's filing fee is one way of controlling the incidence of speculative applications. The Agency desires to keep the filing fee nonrefundable. The commitment fee (which is 25 percent of the total filing and commitment fee) is refundable if an application is declined or if an application is withdrawn before issuance of an approval in principle letter.

(3) Several parties commented that the proposed rules should specifically cover inland fisheries facilities which involve freshwater fish.

The rules, as proposed, include inland fisheries facilities whether they involve saltwater or freshwater fish. The word "shoreside" was not intended to mean that a facility needed to be in proximity to a shoreline.

(4) One party commented that the proposed rules should: (a) Provide for "call" protection on guaranteed financings, (b) provide additional information on the method of calculating interest on guaranteed financings, and (c) revise the current guarantee termination provisions.

These are contractual matters which need not appear in the rules. In general, reasonable "call" provisions acceptable to the borrower are permissible, but prepayment penalties are not part of the amount guaranteed. The Agency is now revising its contracts to (a) provide for a uniform method of calculating interest and (b) revise the current guarantee termination provisions by restricting termination to the defaulted payments for which demand has not been timely (rather than termination of the entire guarantee).

(5) One party commented that domestic corporation whose stock is

owned by noncitizens of the United States should be eligible for the Program.

The term "citizen or national of the United States" is defined by Title XI. In the case of fishing vessels, U.S. citizen corporations must meet the coastwise trade requirements of section 2 of the Shipping Act, 1916; this means, among other things, that 75 percent of the corporation's stock must be owned by U.S. citizens or nationals. In the case of fisheries shoreside facilities, Title XI itself requires that 75 percent of a corporate obligors stock must be owned by U.S. citizens or nationals. This comment cannot, consequently, be adopted.

(6) One party commented that excess proceeds realized from the resale of collateral previously acquired by the Agency at a foreclosure sale should be credited to the previous obligor.

Once the Agency has acquired collateral at a foreclosure sale, its resale risk is borne by the Agency and no portion of the resale proceeds will be credited to the previous obligor.

(7) Two parties commented that equity investors without demonstrated fisheries ability and experience should be limited to a minority interest in a project eligible for program financing, rather than the proposed rules' requirement that the person with the demonstrated fishing industry ability and experience have a "significant" equity interest in the project.

This suggestion could adversely affect a few projects which were highly desirable even though outside equity investors would own more than 49 percent of the project. Nevertheless, the Agency so strongly believes that the commitment of solid fisheries experience is such a prime requirement of success in the fishing industry that this comment has been adopted. Outside equity investors will, consequently, be restricted to *no more than* 49 percent ownership of a project eligible for Program financing.

(8) One party commented that political subdivisions of the states should be included in the definition of "citizen or national of the United States."

This comment has been adopted.

(9) One party commented that the Program should provide short-term financing of construction costs during the property's construction interim.

The proposed rules do not preclude this. Because the program's staff is presently limited, however, applications will for the foreseeable future be limited to long-term financing. Should circumstances permit it in the future, applications will also be accepted for

short-term financing during the construction interim. The reasonable interest cost of non-guaranteed, short-term financing during the construction interim can, however, presently be included in the amount of the guaranteed financing.

(10) One party commented that irrevocable letters of credit might be acceptable in lieu of guarantees from parties whose net worths would otherwise have to be pledged.

This comment has been adopted.

(11) One party commented about the lack of loss payee and other mortgagee provisions concerning casualty insurance on program collateral.

Although this is a matter of standard contractual procedure, the Agency has included its standard mortgagee requirements in the insurance section of the final rules.

(12) One party commented that provisions should be made for trustees in the paying agency section of the rules.

This comment has been adopted.

(13) One party commented that: (a) Provision should be made for trustees, acting on behalf of guaranteed obligees, to tender those obligees' demands, (b) the time limits within which demands must be made should be specified, and (c) provision should be made with respect to the avoidable preference provisions of the Bankruptcy Act.

The Agency has made it clear in the final rules that the word "obligees" in the demands and payment section includes obligees' agents and trustee. The time limits within which demands must be made are established by Title XI and specified in each guarantee contract, and this need not be addressed by these final rules. It is not the Agency's intent that payment of any demand be avoided by the avoidable preference provisions of the Bankruptcy Act, but the Agency cannot predict what a Bankruptcy Court might or might not do.

(14) One party commented that dredging costs should be specifically included as eligible.

This comment has been adopted.

(15) Several parties commented that the exclusion from program financing of local distribution facilities was undesirable. One of these parties, representing 1,200 seafood companies, commented that this exclusion was contrary to Title XI and inconsistent with its legislative history.

The Agency has revised this section of the final rules to make program financing available to local fisheries distribution facilities.

(16) One party commented that fisheries shoreside facilities for

commercial passenger carrying fishing vessel operations should be eligible for program financing, but would often be excluded by the definition of fisheries shoreside facilities in the proposed rules.

The definition of fisheries shoreside facilities follows Title XI's language and must, consequently, stay as it was proposed.

(17) Several parties commented that the definition of "underutilized fishery" should be broadened.

The Agency believes the definition of underutilized fisheries, as proposed, is adequate. The final rules have, however, been modified to make it clear that a State's determination of underutilized status for a fisheries resource within that State's fishery management jurisdiction is sufficient to qualify that resource as underutilized for the purpose of program financing.

(18) One party commented that Title XI prohibits financing fisheries processing vessels built in foreign countries, and requested modification of the proposed rules to reflect the same.

A fisheries processing vessel can fall under the Title XI definition either of "fishing vessel" or "fishery facility," since both definitions are clearly broad enough to encompass fisheries processing vessels. If fisheries processing vessels were in every case to be considered as falling under the Title XI definition of "fishery facility," then they clearly would have to be built in the United States because the statutory definition of "fishery facility" requires that vessels eligible as fishery facilities be built in the United States. If fisheries processing vessels were in every case to be considered as falling under the Title XI definition of "fishing vessel," then they clearly would not have to be built in the United States because the statutory definition of "fishing vessel" requires only that eligible fishing vessels (a) meet the citizenship requirements for documenting vessels in the coastwise trade and (b) fall within the statutory definition of "fishing vessel" established in the Fishery Conservation and Management Act of 1976. Moreover, the Title XI language pertaining to program financing of the purchase (as opposed to the construction, reconstruction, or reconditioning) of used fishing vessels or fisheries shoreside facilities permits program financing of the purchase price of used equipment when (a) the equipment " \* \* \* will be reconstructed or reconditioned in the United States and contribute to the development of the United States fishing industry \* \* \*" or (b) will be used in connection with an underutilized fishery. The Agency's conclusion is that all fisheries vessels

must have been constructed in U.S. shipyards in order to be eligible for program financing, with the exception of *used, noncatching* fisheries vessels which will "contribute to the development of the U.S. fishing industry" or be used in connection with an underutilized fishery. In the latter instance, the purchase price of *used, noncatching* fisheries vessels built in foreign shipyards may be financed under the program if those vessels are also to be reconstructed or reconditioned in the United States and are properly documented as U.S. vessels.

The final rules will be modified to incorporate this conclusion.

(19) One party commented that the proposed rules' requirement that all partners in a partnership owning a fishing vessel be U.S. citizens is not consistent with either Title XI or Federal documentation requirements for vessels engaged in the coastwise trade.

The final rules will be changed to provide that, although all *general* partners in a partnership eligible for Program financing of a fishing vessel or fisheries shoreside facility must be U.S. citizens, up to 25 percent of the partnership may be owned by *limited* partners who are not U.S. citizens.

(20) One party commented that the requirement that reconstructed or reconditioned property have an economically useful life of at least 10 years could be counterproductive in the instance of modern processing equipment which might have an economically useful life of less than 10 years. This party suggested that the 10-year requirement be reduced to a 5-year requirement.

The final rules have been modified to accommodate this comment.

(21) One party requested clarification of the exclusion from program financing of fisheries shoreside facilities not "primarily" engaged in wholesale operations.

The final rules provide clarification.

(22) Several parties commented that heavy, product-transportation equipment not intended for highway operation should not have been excluded from the definition of fisheries shoreside facilities.

This comment has been accommodated.

(23) One party commented that the weighted average method of determining financing maturity where equipment with differing economically useful lives is involved should be optional because other methods might be more desirable.

This comment has been adopted.

(24) One party commented that minimum working capital requirements

should be based on an applicant's consolidated operation to prevent transferring assets from one affiliate to another in order to meet minimum requirements for the project proposed for program financing.

The general intent of this comment has been adopted.

(25) One party commented that the minimum working capital requirements should be based upon the projected amount of the financing's first annual principal and interest payment rather than upon a flat percentage of a project's total capitalizable cost.

This comment has not been adopted.

(26) Several parties commented on the conditional fisheries issue. One party opposed any change in the present conditional fisheries policy. One party suggested that the conditional fisheries concept be applied to fisheries processing facilities. Another party suggested exactly the opposite.

There is no authority in Title XI for applying the conditional fisheries concept to fisheries processing facilities (the Title XI authority upon which the conditional fisheries concept is based is limited specifically to fishing vessels). Even if there were Title XI authority to extend the conditional fisheries concept to fisheries processing facilities, the Agency does not believe doing so would be productive. In order to remain economically viable, fisheries processing facilities need the flexibility to vary their operating plans consistently with supply and demand factors. The Agency believes that the best way to make sound financing decisions is through the risk assessment process. The degree of commitment of principals with solid experience in the fishing industry, the financial condition of the principals and the project, and the project's profit potential in the operation intended are the best criteria for financing decisions.

The conditional fisheries mechanism for fishing vessels has been slightly modified to provide a greater program ability to finance vessels with a strong fisheries development potential. The Agency believes this is consistent both with the American Fisheries Promotion Act amendments to Title XI and with the results of a previously published Advance Notice of Proposed Rulemaking regarding the conditional fisheries issue. The great majority of the extensive comment received as a result of that Notice favored complete elimination of the conditional fisheries concept. The Agency has, however, made the least change possible in the conditional fisheries concept consistent

with the fisheries development initiative in Title XI.

(27) Several parties commented that the Fishing Vessel Capital Construction Fund Program should be made available to fisheries shoreside facilities.

The legislative authority for the Fishing Vessel Capital Construction Fund Program limits that program to vessels. No change can, consequently, be made through a rulemaking.

(28) Several parties suggested that the program should guarantee tax-exempt industrial revenue bonds.

This is not consistent with overall Administration policy.

(29) Two parties opposed implementation of the Fisheries Obligation Guarantee Program.

(30) One party expressed a strong view that the Fisheries Obligation Guarantee Program does not go nearly far enough in addressing the fishing industry's economic problems.

This final rulemaking has been reviewed in accordance with Executive Order 12291 ("Federal Regulation") and the Commerce Department guidelines implementing that Order. The Agency has determined that this final rulemaking is not "major" within the context of the Order or its implementing guidelines because the final rulemaking does not significantly affect the economy, costs or prices, competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

This rulemaking was initially exempt from the notice and comment provisions of the Administrative Procedure Act. Therefore, it is exempt from regulatory flexibility analysis under the Regulatory Flexibility Act.

Because the AFPA authorizes guaranteed financing of previously ineligible projects, the collection of additional information from applicants will be required. The collection of this additional information is necessary for determining eligibility. This final rulemaking has, consequently, been submitted to the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980.

This final rulemaking will affect only those who choose to apply for guaranteed financing. This final rulemaking will, consequently, not have a significant economic impact on a substantial number of small entities. The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, has also determined that these regulations do not require the preparation of an environmental impact analysis under the National Environmental Policy Act.

This final rulemaking establishes rules for those provisions of Title XI of the Merchant Marine Act, 1936, as amended by the American Fisheries Promotion Act, which authorize the Secretary of Commerce to guarantee financing for fishing vessels and fisheries shoreside facilities. Elements of Title XI which did not need to be elaborated in this final rulemaking have not been included. Additional details of program administration not addressed by this final rulemaking will be covered by guidance issued from time-to-time by the Chief, Financial Services Division, National Marine Fisheries Service.

#### List of Subjects in 50 CFR Part 255

Fisheries, Fishing vessels, Financing, Business.

Dated: December 20, 1982.

William G. Gordon,

Assistant Administrator for Fisheries.

For the reasons stated in the preamble, 50 CFR Part 255 is revised to read as follows:

#### PART 255—FISHERIES OBLIGATION GUARANTEE PROGRAM

Sec.

- 255.1 Purpose.
- 255.2 Definitions.
- 255.3 Applications.
- 255.4 Citizenship requirements.
- 255.5 Project requirements.
- 255.6 Guarantee limits, debt maturities, and interest rates.
- 255.7 Fishing industry ability and experience.
- 255.8 Economic soundness.
- 255.9 Financial requirements.
- 255.10 Collateral.
- 255.11 Miscellaneous requirements.
- 255.12 Fees.
- 255.13 Demands and payment.
- 255.14 Default/liquidation of collateral.
- 255.15 Program guidelines.
- 255.16 Applicability of rules.

Authority: Title XI, Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1279, Pub. L. 96-561) and Reorganization Plan No. 4 of 1970 (86 Stat. 909).

##### § 255.1 Purpose.

These rules govern guaranteed financing for fishing vessels and fisheries shoreside facilities under the provisions of Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271-1279), as amended by the American Fisheries Promotion Act (Pub. L. 96-561). The purpose of the Fisheries Obligation Guarantee Program is to make long-term financing available to the United States fishing industry by providing a U.S. Government guarantee of repayment of the debt portion of fishing vessel and shoreside facility construction, reconstruction, reconditioning, or (where eligible) purchasing costs.

##### § 255.2 Definitions.

(a) *Act* means Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1279).

(b) *Actual cost* means the total amount paid or owed by an obligor for the construction, reconstruction, reconditioning or (where eligible) purchase of fishing vessels or fisheries shoreside facilities.

(c) *Agency* means the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(d) *Chief, Financial Services Division* means the Chief, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, or his designee.

(e) *Citizen of the Northern Mariana Islands* means:

(1) Any individual who is a citizen of the Northern Mariana Islands (and qualifies as such under Section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands);

(2) Any corporation formed under the laws of the Northern Mariana Islands, if at least 75 percent of it is owned by individuals specified in paragraph (e)(1) of this section or citizens or nationals of the United States; or

(3) Any partnership or other form of association, if all the general partners, and at least 75 percent of all partners, are individuals specified in paragraph (e)(1) of this section or citizens or nationals of the United States.

(f) *Citizen or national of the United States* means:

(1) Any individual who is a citizen of the Northern Mariana Islands or a citizen or national of the United States of America;

(2) Any corporation, if at least 75 percent of it is owned by citizens of the Northern Mariana Islands or by citizens or nationals of the United States of America within the meaning of the provisions of Section 2 of the Shipping Act, 1916 (46 U.S.C. 802); or

(3) Any partnership or association, if all the general partners, and at least 75 percent of all partners, are citizens of the Northern Mariana Islands or citizens or nationals of the United States of America.

(g) *Conditional fishery* means any fishery which has been declared as conditional under 50 CFR Part 251.

(h) *Contribute to the development of the U.S. fishing industry* means any project which:

(1) Enables fishing vessels to reduce harvests in conditional fisheries;

- (2) Applies new technology;
- (3) Makes any fisheries operation afloat or ashore more efficient, productive, or competitive;
- (4) Has a potential for increasing fisheries exports;
- (5) Aids in the development of an underutilized fishery; or
- (6) In any other demonstrable way, contributes to the stability, growth, productivity, or development of the U.S. fishing industry.

(i) *Depreciated actual cost* means the actual cost of a fishing vessel or fisheries shoreside facility, depreciated (excluding land, which is not depreciable) on a straightline basis at one-year intervals over the vessel or facility's economically useful life, less a 10 percent salvage value.

(j) *Economically useful life* means the period during which the fishing vessel or fisheries shoreside facility, with proper maintenance, will remain economically productive.

(k) *Fish* means all forms of aquatic animal and plant life other than marine mammals and birds.

(l) *Fisheries shoreside facility* means any land, or structure or equipment on land, used for unloading, receiving, holding, processing, or distributing fish of every kind (including fish caught as a result of commercial passenger carrying fishing operations). This term does not include:

- (1) Office furniture, equipment, or supplies;
- (2) Any rolling equipment which will be used outside the primary production site;
- (3) Any other non-fixed equipment which should be financed either from working capital or by the proceeds of short-term financing from other sources; or
- (4) Any facility where more than 49 percent of the gross income is projected to be from the retail selling of fish or fisheries products or from anything else other than the unloading, receiving, holding, processing, or distribution of fish.

(m) *Fishing vessel* means any vessel, boat, ship, or other craft which is documented under United States law and is used for, equipped to be used for, or of a type which is normally used for commercial fishing (including commercial passenger carrying fishing vessels) or aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing (including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing).

(n) *Obligee* means the party who lends the proceeds of a guaranteed

obligation or invests in a guaranteed obligation.

(o) *Obligor* means the party who borrows the proceeds of a guaranteed obligation.

(p) *Program* means the Fisheries Obligation Guarantee Program under Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271-1279).

(q) *Project* means a construction, reconstruction, reconditioning, or (where eligible) purchase of fishing vessels or fisheries shoreside facilities, whose financing will be guaranteed under the Program.

(r) *Reconstruction or reconditioning* means any improvements of used fishing vessels or fisheries shoreside facilities provided that:

(1) At least 75 percent of improvement expenditures are capital, rather than expense, items;

(2) The improved vessel or facility will have an economically useful life of at least 10 years (or longer if the term of the proposed financing for which a guarantee is sought is longer), but specific equipment involved in a reconstruction or reconditioning may individually have economically useful lives of less than 10 years;

(3) The improved vessel or facility will be fit and sufficient for its intended operation; and

(4) The improvement project involves more than routine repair or maintenance.

(s) *Secretary of Commerce* means the Secretary of Commerce, or his designee.

(t) *State* means any State of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, any other commonwealth, territory, or possession of the United States of America, or any political subdivision of any of the above.

(u) *Underutilized fishery* means:

(1) Any species of fish for which foreign fishing within the U.S. Fishery Conservation Zone is permitted or any species of fish within or without such zone for which a demonstration can be made that such species is not fully utilized by U.S. fishing vessels (including species designated as underutilized by states under whose fishery management jurisdiction those species fall); or

(2) For fisheries shoreside facilities, any facility which will utilize the species defined in paragraph (u)(1) of this section, or any facility for which a demonstration can be made that existing fisheries shoreside facilities are inadequate to fully, properly, or efficiently utilize fishing vessel

production, regardless of the species involved.

### § 255.3 Applications.

Applications for a program guarantee should be submitted to the Agency office listed below which corresponds to the region in which the proposed project will operate:

National Marine Fisheries Service,  
Northeast Region, Financial Services  
Branch, Post Office Building, Box 1109,  
Gloucester, Massachusetts 01930 (617)  
281-3600

National Marine Fisheries Service,  
Northwest Region, Financial Services  
Branch, 7600 Sand Point Way, NE., Bin  
C15700, Seattle, Washington 98115  
(206) 527-6122

National Marine Fisheries Service,  
Southwest Region, Financial Services  
Branch, 9450 Koger Blvd., Duval Bldg.,  
St. Petersburg, Florida 33702 (813) 893-  
3148

National Marine Fisheries Service,  
Southwest Region, Financial Services  
Branch, 300 South Ferry Street,  
Terminal Island, California 90731 (213)  
548-2478

Application forms are obtainable from the offices listed above. *All potential applicants should discuss their project with a regional Program officer before submitting an application.*

### § 255.4 Citizenship requirements.

Any citizen or national of the United States is eligible to apply for a guarantee under the Program.

### § 255.5 Project requirements.

(a) *Qualifications for program guarantees.* Program guarantees are available for financings (including reimbursement of obligors for expenditures previously made) for the construction, reconstruction, reconditioning, or (where eligible) purchase of any fishing vessel documented under United States law or any fisheries shoreside facility located anywhere in any State of the United States.

(b) *Used fishing vessels and fisheries shoreside facilities.* Financing of the purchase cost of any used fishing vessel or fisheries shoreside facility may be guaranteed only if the vessel or facility will (1) aid in the development of an underutilized fishery or (2) contribute to the development of the U.S. fishing industry and be reconstructed or reconditioned in the United States.

(c) *Conditional fisheries.* Program guarantees are available for financing the construction of a new fishing vessel which will operate in a conditional fishery, or which will result in the

transfer of a used vessel into operation in a conditional fishery, only if one of the following conditions is met:

(1) The vessel whose financing is guaranteed (despite the fact that it will operate in a conditional fishery) is also fully equipped for, and fully capable of, operating in an underutilized fishery;

(2) The vessel involved will replace a vessel of comparable fishing capacity which had operated in the conditional fishery prior to the designation of such fishery as conditional;

(3) The vessel whose financing is guaranteed was contracted for prior to the designation of the fishery in which it will be operated as conditional;

(4) The financing to be guaranteed will be used for the reconstruction or reconditioning of a vessel already operating in the conditional fishery; or

(5) The application for Program guarantee had been submitted prior to the designation as conditional of the fishery in which the vessel will be operated. See 50 CFR Part 251 for those fisheries which are designated as conditional.

(d) *Eligibility for vessels or facilities which will be used in underutilized fisheries.* In order for the financing of a fishing vessel or fisheries shoreside facility to be eligible for a Program guarantee because such vessel or facility will be used in an underutilized fishery (including the underutilized fisheries aspects of the conditional fisheries requirements), such vessel or facility must be fully equipped for, and be fully capable of, operating in an underutilized fishery. This determination will be made by the Chief, Financial Services Division, at the time of Program guarantee approval. The Obligor will be required to execute an agreement to operate the vessel in the underutilized fishery.

#### § 255.6 Guarantee limits, debt maturities, and interest rates.

(a) *Actual cost.* In addition to the cost of construction, reconstruction, reconditioning, or (where eligible) purchase of a fishing vessel or fisheries shoreside facility, the actual cost of such a vessel or facility may also include:

(1) Reasonable architectural, engineering, or inspection expenses incurred with regard to the vessel or facility before completion;

(2) Reasonable expenses for interest on debt incurred to finance the vessel or facility during its construction, reconstruction, or reconditioning;

(3) The reasonable expenses of any contract for consulting services to assess the financial, economic, or technical feasibility of a vessel or facility or its fitness and sufficiency, if

such services are required by the Chief, Financial Services Division, as a precondition to a decision about the approval of a guarantee.

(4) Dredging or other costs deemed by the Program to be necessary. Actual costs do not include any other expenses which cannot be capitalized under generally accepted accounting principles (except acceptable items for repair or maintenance associated with reconstruction or reconditioning).

(b) *Guarantee limits.* The Program may guarantee financing representing up to 87½ percent of the actual cost or depreciated actual cost of the construction, reconstruction, reconditioning, or (where eligible) purchase of fishing vessels or fisheries shoreside facilities. Consideration of the risk involved may, however, result in a guarantee approval for less than 87½ percent of actual cost.

(c) *Debt maturities.* Debt maturities on obligations guaranteed under this Program may not exceed 25 years. No debt maturity may, however, exceed the economically useful life of the fishing vessel or fisheries shoreside facility involved. The economically useful life will be determined by the Chief, Financial Services Division, on a case-by-case basis.

(1) *Fishing vessels.* Generally, 25-year maturities for obligations on fishing vessels guaranteed under the Program will be restricted to financings for the construction of large and expensive fishing vessels with economically useful lives supporting a 25-year maturity. Debt maturities on guaranteed obligations for financing smaller and less expensive fishing vessels will generally be restricted to 15–20 years (or less, if their economically useful lives are less or if risk considerations require less).

(2) *Fisheries shoreside facilities.* Debt maturities on guaranteed obligations for financing major fisheries shoreside facilities construction Projects may generally be up to 25 years if the economically useful life of the facility is at least that long. If a major facility Project involves a significant amount of financing for fixed equipment which has a shorter economically useful life than that of the structure which houses it, an acceptable maturity date for the whole Project will be determined by a weighted average of the differing economically useful lives involved or by such other method as the Chief, Financial Services Division, deems appropriate (including separate financings if that is warranted). More minor facilities Projects will generally be restricted to debt maturities of 15–20 years (or less, if their economically

useful lives are less or if risk considerations require less).

(3) *Reconstruction and reconditioning.* The debt maturity of guaranteed financing for reconstruction or reconditioning will not extend beyond the economically useful life of the vessel or facility in its reconditioned or reconstructed state. The economically useful life of a reconstructed or reconditioned vessel or facility will be determined by the Chief, Financial Services Division, on a case-by-case basis.

(d) *Interest rates.* Interest rates on obligations to be guaranteed under the Program shall be approved by the Program and shall not exceed the rate determined to be reasonable, taking into account the range of interest rates prevailing in the private market for similar transactions.

(e) *Refinancing.* Refinancings may be guaranteed if the financing which is being refinanced would itself have been eligible for a Program guarantee.

(f) *Foreclosure purchase.* The financing of the purchase price of a vessel or facility whose previous financing was guaranteed under the Program and which is then sold at a foreclosure sale (or sold subsequent to the foreclosure sale after the Program purchases the vessel or facility at foreclosure) may be guaranteed under the Program.

#### § 255.7 Fishing industry ability and experience.

(a) *Owner-operated Projects.* Fishing vessel and fisheries shoreside facility owners must possess the necessary ability, experience, resources, character, reputation, and other qualifications to operate properly and maintain the vessel or facility and protect the Program against undue risk. Owners who cannot demonstrate a successful background of ability and experience in the fishing industry of an appropriate duration, degree, and nature considering the type and magnitude of the Project for which financing is being sought will not be eligible for a Program guarantee. Under appropriate circumstances, and at the Program's sole discretion, the lessee of a financing lease may be considered as an "owner" for the purposes of meeting the requirements of this section.

(b) *Equity contributors.* Equity contributors without this demonstrated fishing industry ability and experience may be allowed to own a portion, not to exceed 49 percent, of the vessel or facility for which guaranteed financing is sought only if:

(1) At least 51 percent of the vessel or facility is owned by persons who do possess the requisite fishing industry ability and experience, and such persons have made a full pro-rata equity contribution, are severally 100 percent liable for the debt obligation, and are responsible for the management and operation of the Project; and

(2) The vessel or facility being financed is so large and so expensive as to be beyond the normal equity funding capability of an owner with the requisite fishing industry ability and experience.

(c) *Limitation of liability.* In no event will equity contributors be permitted to limit their liability to the amount of their original equity contribution. Each equity contributor shall, additionally, be jointly and severally liable for at least the amount of the guaranteed debt obligation which corresponds to the percentage of such equity contributor's ownership interest in the vessel or facility. This limitation of liability provision shall apply to all equity contributors in closely-held corporations, partnerships, and joint ventures.

#### § 255.8 Economic soundness.

(a) *Income and expense projections.* Conservative income and expense projections must reasonably assure adequate net earnings from operation of the vessel or facility. This projection must allow the prospective accumulation of net retained earnings sufficient to provide for operational contingencies, to establish a reasonable reserve for depreciation, and to protect the Project against cyclical economic conditions in the fishing industry.

(b) *Underutilized fisheries.* An economic soundness test for vessels or facilities to be operated in underutilized fisheries that is less stringent than the requirements for vessels or facilities to be operated in more developed fisheries may, at the Program's discretion, be applied. This less stringent economic soundness test will, however, not extend to factors beyond the uncertainty of cash-flow projections in an underutilized fishery. Moreover, the Program will otherwise only guarantee financing for vessels or facilities which are to operate in the initial development stages of an underutilized fishery if the owners of those vessels or facilities adequately share with the Program a higher degree than ordinary of the greater financial risk. Demonstrated fisheries ability and experience requirements, financial condition requirements, and collateral requirements all may be stringent when the vessel or facility financed is to operate in the initial development

stages of an underutilized fishery rather than in a more developed fishery. Owners of vessels or facilities which are to operate in the initial development stages of an underutilized fishery must possess exceptional fisheries ability and experience.

(c) *Consultant services.* The Program may require, as a pre-condition to a decision about approving a guarantee, that expert consulting services be provided. This requirement will generally be restricted to situations where a guarantee is sought for financing for larger and more expensive vessels to be operated in underutilized fisheries, or for larger and more expensive fisheries shoreside facilities, but may also be imposed where a guarantee is sought for financing for larger and more expensive vessels to be operated in more developed fisheries. The expert consulting services may be required to assist in assessing economic, technical, and financial feasibility, property design and engineering or other factors. When such a requirement is imposed, the Program (under conditions acceptable to the Obligor) will choose the consultant and specify the consultant's duties, and the Obligor will reimburse the Program for the Program's payment of the consultant's services. No approved application will be closed until satisfactory arrangements have been made for such reimbursement. If an application is declined, the 25 percent commitment fee may be used by the Program for such reimbursement. *When such a requirement is imposed by the Program, the cost of such consulting services may be included in the actual cost of the Project (if approved) for purposes of determining the amount of the guarantee.*

#### § 255.9 Financial requirements.

(a) *Working capital.* The vessel or facility owner must be in sufficiently sound financial condition to meet obligations, to continue to operate successfully the vessel or facility and all other business operations, and to protect the Program against undue risk. Audited financial statements will ordinarily be required in applications for guaranteed financing for large fisheries shoreside facilities Projects, and may be required in applications for other purposes. Working capital (current assets minus current liabilities) requirements will be established on a case-by-case basis, but must in all cases be sufficient to fund vessel or facility operations until the vessel or facility can generate sufficient income to do so. Working capital must be sufficient not only for the Project for which guaranteed financing is sought, but for all other affiliated projects,

businesses, or interests. The minimum working capital from equity sources must in the case of fishing vessel construction equal at least 8 percent of the total capitalizable cost of the vessel. In the case of fisheries shoreside facility construction, the minimum working capital required from equity sources will be determined on a case-by-case basis, but will ordinarily be considerably greater than that required for fishing vessels. Minimum working capital requirements for reconstruction, reconditioning, and (where eligible) purchasing Projects will be decided on a case-by-case basis. Additional working capital may be required on a case-by-case basis and may, at the Program's discretion, consist of readily convertible investments, other assets readily capable of being used to generate working capital, lines or letters of credit, or the presence of a co-maker or guarantor with sufficient financial resources.

(b) *Equity.* No financing shall be approved for a guarantee unless the Obligor can demonstrate that, at the time of the financing's closing, minimum capital provided from equity sources is equal to at least the total of the following:

(1) 12½ percent of the total capitalizable cost of the construction, reconstruction, reconditioning, or (where eligible) purchase of the vessel or facility (the downpayment);

(2) The Program's first-year guarantee fee;

(3) The first year's premium for all required insurance;

(4) The minimum working capital requirement; and

(5) Such other additional amounts as the Program may deem necessary on a case-by-case basis.

(c) *Guarantees of financing for fisheries shoreside facilities or processing vessels.* Applicants for guarantees for financing of fisheries shoreside facilities and processing vessels will be required to obtain acceptable lines or letters of credit (some may be required to be in the form of irrevocable letters of credit) for all foreseeable inventory financing needs (beyond those to be met by the working capital available from equity sources) during at least the first year of operation of the facility or vessel.

#### § 255.10 Collateral.

(a) *Mortgage.* The vessel or facility for which the financing is to be guaranteed should always be collateral for the Program guarantee. This property ordinarily will be secured by a first mortgage or, and in the case of vessels,

by a first preferred ship mortgage in favor of the Secretary of Commerce. In the case of equipment, the security interest may be perfected by a filing in accordance with the Uniform Commercial Code and/or by the recording of any form of security agreement or mortgage (e.g. chattel mortgage) necessary in a jurisdiction where the Uniform Commercial Code has not been adopted.

(b) *Guarantees.* If, in considering the risk involved in guaranteeing a financing, net worth is a significant factor relied on to offset other risks, such net worth must ordinarily be pledged as additional collateral for the program guarantee (an irrevocable letter of credit may be substituted under terms and conditions acceptable to the Program). If a closely-held corporation will be the Obligor, all major stockholders will ordinarily be required to provide their personal guarantees as additional collateral for the Program guarantee. If a subsidiary corporation, without substantial assets in addition to the vessel or facility is Obligor, the parent corporation will ordinarily be required to provide its guarantee as additional collateral for the Program guarantee. Personal or entity guarantees will always be required as additional collateral for Program guarantees where necessary to assure that the principal parties in interest, who ultimately stand most to benefit from the Project, are held accountable for the performance and operation of the Project.

(c) *Limitation of liability.* In no instance will equity contributors be permitted to limit their liability on a guarantee only to the amount of their initial equity contribution. Equity contributors will, additionally, be required to be at least jointly and severally liable for the amount of the guaranteed obligation which corresponds to the percentage of their ownership interest in the Project. Such equity contributors may, however, be required to be liable for more than such percentage. Under appropriate circumstances, and at the Program's sole discretion, the lessor of a financing lease may be treated differently.

(d) *Dual-use Capital Construction Fund agreement.* In the case of fishing vessels, the Program may require, as additional collateral, execution of a dual-use Capital Construction Fund Program agreement, and annual deposit into such fund (on a tax-deferred basis) of a reasonable portion of the net income of the vessel. Dual-use agreements provide for all the normal benefits of the Capital Construction Fund Program, but also give the Program

control of withdrawals from a Capital Construction Fund and allow the Program to use these reserved funds, in the event of a default, to repay the debt obligation involved in the guaranteed financing. This control insures that the Obligor will have an emergency reserve of funds, as well as a reserve for reconditioning of the vessel. At the Program's discretion, reserved funds not required in connection with the vessel for which financing is guaranteed may be withdrawn for other qualified purposes.

(e) *Reconstruction or reconditioning.* The Chief, Financial Services Division, may, in his discretion, require such additional security or collateral as may be necessary to secure the Program's interest.

#### § 255.11 Miscellaneous requirements.

(a) *Insurance.* All vessels and facilities for which financing is guaranteed shall be continuously insured during the term of the Program guarantee with such casualty, liability, breach of warranty, keyman, title, and/or other insurance in such form and amounts as the Program deems necessary. The Program shall ordinarily be the sole loss payee on all such insurances. No such insurances may be cancelled without 20 days prior written notice to the Chief, Financial Services Division. The Program's standard endorsements regarding the insured's breach of warranties, negligence, omission, etc., as well as an admission of seaworthiness or property soundness, shall be a part of all such insurances.

(b) *Bids and project costs.* If application for Program guarantee is first made before a contract for the vessel or facility to be financed is executed, not less than three responsive bids for the vessel or facility will ordinarily be required. Ordinarily, the lowest bid will be accepted, unless the Obligor and the Program agree that it is advisable to accept a higher bid. If application for a Program guarantee is first made after a contract for the vessel or facility has been executed, the Program may not guarantee a financing in an amount higher than would fairly and reasonably have resulted if competitive bidding had occurred. All applicants are encouraged to obtain at least three competitive bids, and applicants without such bids who first apply after a contract has been executed may be required by the Program to establish, at their expense, independent confirmation acceptable to the Program that the contract cost is both fair and reasonable. Approvals and commitments for Program guarantees will be based on the initial contract cost, and contract cost overruns may or may

not, at the sole discretion of the Program, be added to the amount of the guaranteed financing.

(c) *Property inspection.* The Program will require inspection and approval of all vessels and facilities before providing a financing guarantee. For all guarantees involving financings of more than \$500,000, the Program, where appropriate, will require inspection and approval by certified architects or engineers (either marine or real property architects or engineers). For program guarantees for financing of less than \$500,000, the required property inspection and approval may, at the Program's discretion, be made by any competent authority acceptable to the Program. The required property inspection and approval should involve assessment of at least the following:

- (1) Adequacy of workmanship;
- (2) Fitness and sufficiency for the intended purpose;
- (3) Reasonableness of cost;
- (4) Compliance with basic contract specifications regarding the property; and
- (5) The identification and recommended resolution of any significant deficiencies.

Where financing for used vessels or facilities is to be guaranteed, the inspection and approval assessment will be adjusted to provide the normal assurances associated with financing the acquisition of used property. Issuance of guarantees of financings involving more than \$5,000,000 may be conditioned upon additional requirements regarding the inspection and approval of a vessel or facility. Program guarantees of financings involving more than \$5,000,000 should always be conditioned on comprehensive *on site* inspection, by certified architects and engineers, and inspection of the vessel or facility to be financed at appropriate times during construction, reconstruction, or reconditioning. The Program may require American Bureau of Shipping *classification* requirements for all Program guarantees involving fishing vessels costing more than \$5,000,000, and applicants are urged presently to consider voluntary use of the American Bureau of Shipping *classification* program for the construction of all fishing vessels costing over \$5,000,000. All required property inspections and approvals must be conducted by competent and impartial authorities acceptable to the Program. Architects, engineers, surveyors, or appraisers employed by contractors constructing, reconstructing, or reconditioning a vessel or facility, or by parties selling

used vessels or facilities, are not acceptable for meeting this requirement. The cost of inspection and approval services in connection with a vessel or facility may be included in the actual cost of the vessel or facility and, thus, guaranteed by the Program.

(d) *Maintenance reviews.* All vessels and facilities for which financing is guaranteed under the Program shall be inspected at least once every three years by a competent and impartial authority acceptable to the Program. A full inspection report, identifying deficiencies and recommending the action necessary for their correction, will be provided to the Obligor and to the Program. Failure to provide this tri-annual inspection, or correct deficiencies identified by it, will constitute a default of the terms and conditions of mortgages securing the Program's guarantee and a cause, at the Program's discretion, for acceleration and liquidation of the debt obligation. Special property inspections may be required whenever the Program deems it necessary to preserve its collateral. All such inspections shall be at the expense of the Obligor. This requirement extends to all supplementary collateral for Program guarantees.

(e) *Terms and conditions of Program guarantees.* The Program will, on a case-by-case basis, specify in detail the precise terms and conditions prerequisite to the Program's willingness to provide a guarantee. These terms and conditions are at the Program's sole discretion, and an applicant's failure to comply with them will result in nonqualification for a Program guarantee.

(f) *Program Obligees.* The applicant may choose the Obligee to fund the debt to be guaranteed by the Program. Obligees may be any financial institution, public agency, or other party. The Program may, however, refuse to guarantee financing unless it has approved the terms and conditions of the financing (including particularly the interest rate and other amortization provisions) before the Obligor makes a firm commitment to an Obligee. Failure to first obtain the Program's approval may result in the Program's refusal to issue the guarantee despite the fact that the Obligor may have created a binding contract with an Obligee, abrogation of which may result in loss to the Obligor. The Program will assist those whose applications for Program guarantees are approved to gain access to the private market for appropriate financing, but only as a gratuitous service. Arrangements between the Obligor and the Obligee are a matter of private

contract between those two parties, and the Program will not in any way be responsible to either for nonperformance by the other.

(g) *Closing—(1) Contracts.* All debt obligations and associated contractual arrangements which comprise the financing will be documented by *standard Program forms*, which may not be altered or amended in any way by insertion, deletion, or variation without prior Program approval (which will be sparingly granted).

(2) *Closing schedules.* The Program will attempt to meet the closing schedules (where reasonable) of Obligor and Obligees. The Program, however, accepts no responsibility for adverse interest-rate fluctuations, loss of commitments, or other consequences of non-compliance with Obligor's or Obligees' closing schedules. Obligor and Obligees should work closely with the Program to assure reasonable closing schedules, since internal workload and personnel considerations sometimes affect the Program's ability to meet otherwise desirable schedules.

(3) *Closing vessel financings.* The Program will attempt to close guarantees on financings involving fishing vessels with minimal services from private attorneys and/or other private contractors.

(4) *Closing shoreside facilities financings.* Closings for guarantees of financing for fisheries shoreside facilities will require substantial services from private attorneys and/or other contractors at the expense of the Obligor. The choice of such private contractors for any portion of the closing process is subject to Program approval. Services required to be provided by private contractors may include: title searches; preparation of legal documents; actual closing, escrow, and disbursement services; and the provision of a *legal opinion* from acceptable counsel regarding the validity and binding effect of transactions, compliance with procedures specified by the Program, and other assurances.

(5) *Paying agents.* The Chief, Financial Services Division, in his discretion, may require the use of a paying agent or trustee. Where paying agents are used, Obligor or Obligees will be responsible for their cost.

#### § 255.12 Fees.

(a) *Filing and commitment fees.* The Program's filing and commitment fee shall be  $\frac{1}{2}$  of 1 percent of the first \$2,000,000 principal amount (or portion thereof) of the Program guarantee for which application is made and  $\frac{1}{4}$  of 1 percent of all principal amount over

\$2,000,000. The fee shall be due at the time an application is submitted, and no application for guarantee shall be accepted unless the full filing and commitment fee accompanies it. The filing fee shall be 75 percent of the filing and commitment fee, and once an application for a guarantee is accepted, no portion of the filing fee shall be returned for any reason. The commitment fee shall be the remaining 25 percent of the filing and commitment fee, and shall be returnable only if a refund is requested before the Program issues an Approval in Principle letter or if the application is declined.

(b) *Guarantee fee.* The Agency guarantee fee shall be:

(1) For guarantees on financings not involving underutilized fisheries risks,  $\frac{1}{4}$  of 1 percent of the average unpaid principal balance of the debt obligation for which the guarantee is outstanding during each year of the life of the guarantee; and

(2) For guarantees on financings involving underutilized fisheries risks, 1 percent of the average unpaid principal balance of the debt obligation for which the guarantee is outstanding during each year of the life of the guarantee. The guarantee fee shall be due in advance based upon the financing's amortization schedule. The first annual guarantee fee shall be due at closing of the guarantee. Each subsequent annual guarantee fee shall be due on the anniversary date of the closing of the guarantee. No refund of guarantee fees shall be made regardless of the status of the financing or the guarantee during the year to which the guarantee fee relates.

(c) *Refinancing/assumption fee.* The Program's refinancing/assumption fee shall be  $\frac{1}{4}$  of 1 percent of the principal amount of the debt obligation to be refinanced or assumed, and is due upon application for a guarantee for the refinancing/assumption. The refinancing/assumption fee is non-returnable regardless of the subsequent disposition of an application. The Chief, Financial Services Division, may, however, (1) waive the refinancing/assumption fee where the refinancing/assumption is primarily to protect the Program's interest or (2) charge an actual cost fee, not to exceed \$1,000, where the refinancing/assumption does not substitute a wholly different obligor for the initial obligor.

(d) *Where payable.* Fees shall be paid by check mailed to: U.S. Department of Commerce, National Oceanic and Atmospheric Administration, NBOC 1, Room 122, 11420 Rockville Pike, Rockville, Maryland 20852. Checks shall be made payable to: "NMFS/FSFF".

**§ 255.13 Demands and payment.**

All demands by Obligees, whose debt has been guaranteed under the provisions of this Program, for payment of all or any portion of a guaranteed obligation in default shall be made in writing to the Chief, Financial Services Division, F/UD5, 3300 Whitehaven St., NW., Washington, D.C. 20235, by certified mail, return receipt requested. In the event the Program does not acknowledge timely receipt of a demand alleged to have been timely made, the demander must possess evidence of the demand's timely delivery to the Program. Payment of demands shall be made within 30 days after receipt of a timely demand by the Chief, Financial Services Division. Demands may be made by Obligees' duly authorized agents or trustees.

**§ 255.14 Default/liquidation of collateral.**

(a) *Default.* In the event of default by an Obligor which results in the payment by the Program to an Obligee of the guaranteed debt, the Program shall

ordinarily foreclose on its collateral and institute personal collection proceedings against the Obligor and the guarantors of the financing. At the Program's sole discretion, other remedies which are deemed most appropriate to protect the Program's interest may be pursued.

(b) *Liquidation of collateral.* If the Program is the highest bidder at a foreclosure sale of collateral, the Program (as the new owner of the collateral) may, in its sole discretion, subsequently complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, lease, or sell such collateral. In the event there is a willing buyer for such collateral at an amount at least equal, or almost equal, to the amount owed the Program, the Program may convey title to such collateral, upon proper payment, without competitive bidding or other contracting procedures. If there is not a willing buyer for such collateral at an amount equal, or almost equal, to the amount owed the Program, the collateral will ordinarily be disposed of by competitive bidding—unless the

Program decides that it can best recover without competitive bidding. Any deficiency resulting from the Program's purchase of collateral at a foreclosure sale shall not be offset by receipts from a subsequent sale of such collateral in the event the Program purchases the collateral and sells it for an amount greater than that owed the Program; the original Obligor and guarantors of the guaranteed financing remain liable for such deficiency.

**§ 255.15 Program guidelines.**

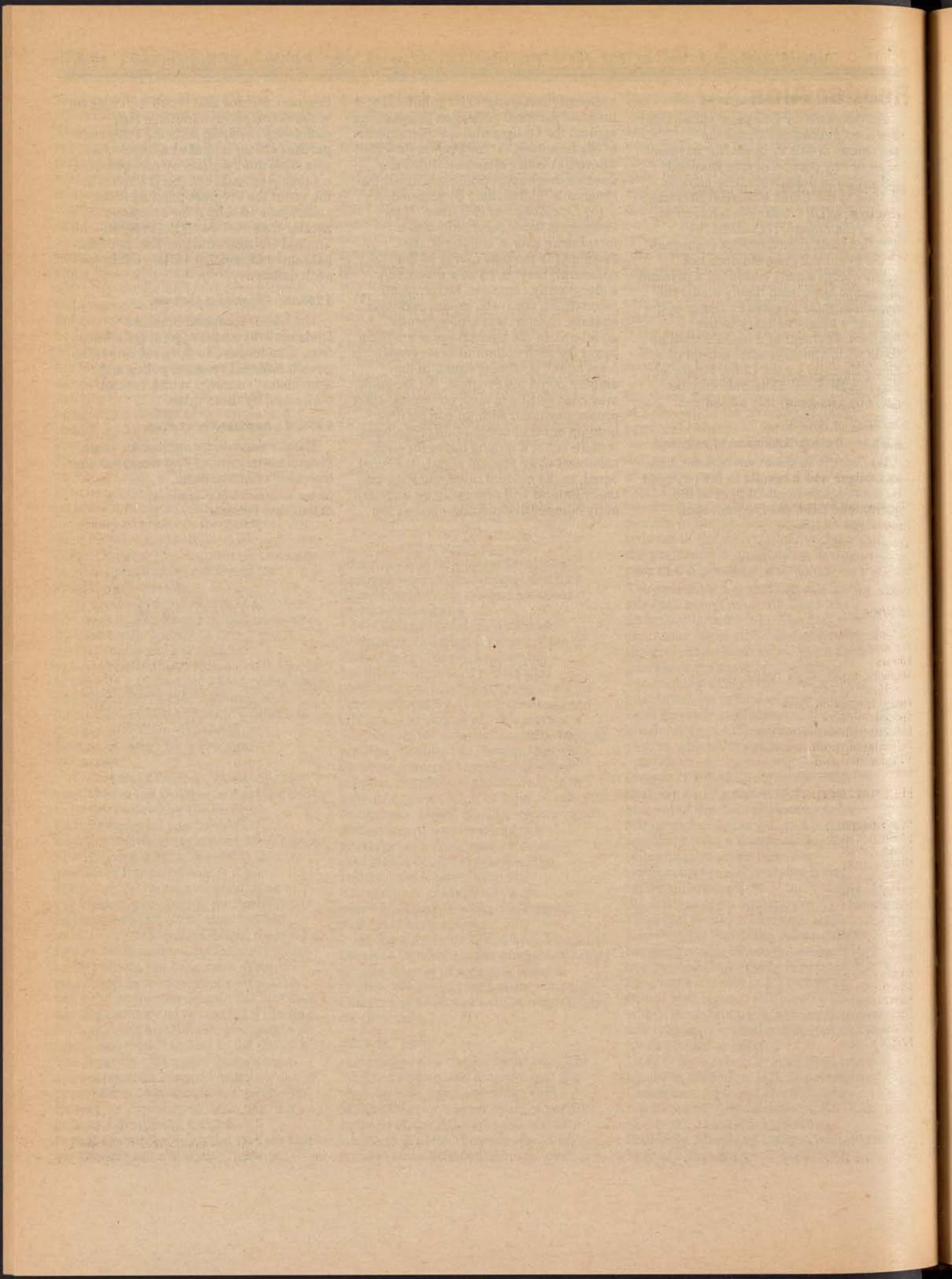
The Chief, Financial Services Division, will issue Program guidelines from time to time, as the need arises, to govern national Program policy and administrative issues which are not addressed by these rules.

**§ 255.16 Applicability of rules.**

These rules will be applicable to all Program applications first accepted after the rules' effective date.

[FR Doc. 82-34903 Filed 12-22-82; 8:45 am]

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the *Federal Register* but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

- H.R. 6403 / Pub. L. 97-371.** To provide for the use and distribution of funds to the Wyandot Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the United States Court of Claims, and for other purposes. (December 20, 1982; 96 Stat. 1813) Price: \$1.75.
- H.R. 5795 / Pub. L. 97-372.** To provide for the use and distribution of the funds awarded to the Shawnee Tribe of Indians in dockets 64, 335, and 338 by the Indian Claims Commission and docket 64-A by the United States Court of Claims, and for other purposes. (December 20, 1982; 96 Stat. 1815) Price: \$1.75.
- S. 2177 / Pub. L. 97-373.** To amend title III of the Colorado River Basin Project Act, Public Law 90-537 (82 Stat. 885), as amended by Public Law 95-578 (92 Stat. 2471), and Public Law 96-375 (94 Stat. 1505). (December 20, 1982; 96 Stat. 1817) Price: \$1.75.
- S. 764 / Pub. L. 97-374.** To provide for protection of the John Sack cabin, Targhee National Forest in the State of Idaho. (December 20, 1982; 96 Stat. 1818) Price: \$1.75.