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Vol. 48 No. 31
Pages 6521-6684

federal register

Monday
February 14, 1983

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Pension Benefit Guaranty Corporation

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Reporting and Recordkeeping Requirements
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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Animal and Plant Health Inspection Service

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Coast Guard

Water Pollution Control
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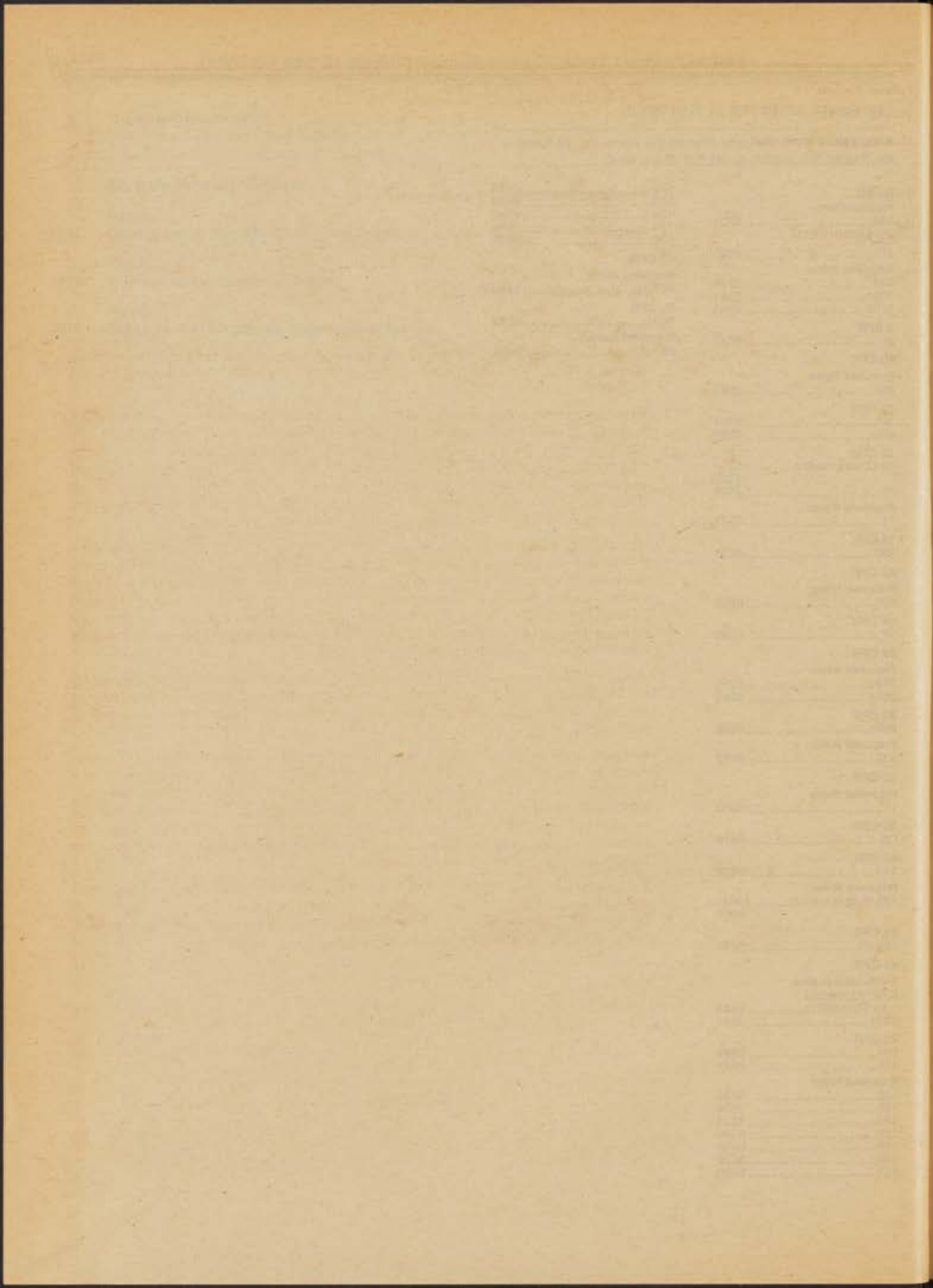


Federal Register
Vol. 48, No. 31
Monday, February 14, 1983

Presidential Documents

Title 3—

The President

Proclamation 5020 of February 10, 1983

Save Your Vision Week, 1983

By the President of the United States of America

A Proclamation

Good vision is a priceless gift. Yet each year many Americans needlessly lose vision as a result of diseases and accidents whose sight-destroying effects could have been prevented.

Regular eye examinations by an eyecare professional can often avert the tragedy of visual loss. While a checkup will usually show that our eyes are healthy, we may also receive early warning of a serious eye disease requiring treatment. Diabetic eye disease, for example, is a leading cause of visual impairment. Through examination it can be detected and treated. If all diabetics were aware of the need for routine eye checkups, many more cases of blindness could be avoided.

The elderly and the young have a special need for periodic eye examinations. A number of blinding diseases strike more often in later years. With early warning of eye disease and proper treatment, older people could be spared visual handicaps which threaten their independence and limit their enjoyment of life. For children, a routine checkup may reveal an eye problem that can hamper the child in school or at play. Some disorders must be treated during childhood or permanent visual loss will result.

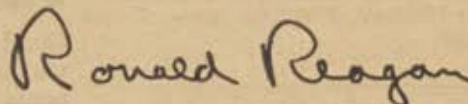
Accidents are a common cause of vision loss or impairment. Tragically, many accidents could have been avoided by the use of such simple precautions as wearing safety glasses, goggles, or face shields while involved in hazardous work or sporting activities.

We can help others in our community to prevent or overcome visual impairment by supporting organizations committed to sight conservation. These organizations campaign for eye safety and the use of protective eye wear in sports and on the job. They provide aids and professional low vision services to improve the quality of life for those who are vision impaired, and they encourage us to donate our eyes after death for biomedical research and for sight-restoring corneal transplant surgery.

To encourage Americans to safeguard their eyesight and reduce the national toll of visual disability, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 6, 1983, as Save Your Vision Week. I urge all citizens to join in this observance by taking steps to preserve vision and prevent eye injury at home, at work, and at play. I call upon eyecare professionals, the media, educators, and all individuals and public and private organizations concerned with sight conservation to unite in activities that will foster concern for eye care and eye safety among Americans of all ages. I also urge their support of programs to improve and protect the vision of all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of February, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.



[FR Doc. 83-4049
Filed 2-10-83; 4:37 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Monday, February 14, 1983

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

Animal and Plant Health Inspection Service

7 CFR Part 371

[Docket No. 83-006]

Organization, Functions and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service to authorize Area Veterinarians in Charge of Veterinary Services programs to issue exemptions to garbage treatment facilities or premises from requirements of Section 4 of the Swine Health Protection Act pursuant to Section 4(b) of the Act (7 U.S.C. 3803).

EFFECTIVE DATE: February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. L. W. Schnurrenberger, Chief Staff Veterinarian, Swine Diseases, Special Diseases Staff, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 820, Hyattsville, MD 20782, 301-436-8487.

SUPPLEMENTARY INFORMATION: This document amends the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) to delegate to the Area Veterinarians in Charge of Veterinary Services programs the authority to exempt garbage treatment facilities or premises from requirements of Section 4 of the Swine Health Protection Act pursuant to Section 4(b) of the Act (7 U.S.C. 3803).

That section requires that no person shall feed or permit the feeding of garbage to swine unless the garbage has been treated to kill disease organisms, in accordance with regulations issued by the Secretary, at a facility holding a valid permit for the treatment of garbage issued by the Secretary. This permit is to be issued by the Deputy Administrator for Veterinary Services or, in States with primary enforcement responsibility, by the State animal health official in the State in which the person operates or intends to operate. Section 4 of the Act also provides that the Secretary may exempt any facility or premises from the requirements of that section whenever the Secretary determines that there would not be a risk to the swine industry in the United States. In order to facilitate handling of the volume of exemption requests anticipated, authority to issue exemptions to garbage treatment facilities is being delegated to the lowest practicable administrative level within Veterinary Services.

The Secretary has delegated the responsibility for the administration of the Swine Health Protection Act to the Assistant Secretary for Marketing and Inspection Services, who in turn has delegated such authority to the Administrator, Animal and Plant Health Inspection Service (45 FR 85696). The Administrator, APHIS, in turn delegated such authority to the Deputy Administrator, Veterinary Services (46 FR 7266).

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 371

Organization and functions (Government agencies).

PART 371—ORGANIZATION, FUNCTIONS AND DELEGATIONS OF AUTHORITY

Accordingly, paragraph (e) of 7 CFR 371.6 is revised to read as follows:

§ 371.6 Delegations of authority.

* * * * *

(e) *Area Veterinarians in Charge, Veterinary Services.* Area Veterinarians in Charge of Veterinary Services programs are hereby delegated authority

(1) To issue exemptions to facilities or premises from requirements of Section 4 of the Swine Health Protection Act pursuant to Section 4(b) of the Act (7 U.S.C. 3803), and

(2) To issue permits to operate facilities to treat garbage pursuant to Section (5)(a) of the Swine Health Protection Act (7 U.S.C. 3804).

(5 U.S.C. 301)

Issued at Washington, D.C., this 8th day of February, 1983.

James O. Lee, Jr.,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 83-3886 Filed 2-11-83; 8:45 am]
BILLING CODE 3410-34-M

9 CFR Part 97

[Docket No. 82-098]

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. J. L. Ellis, Executive Officer,

Veterinary Services, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 857, Hyattsville, MD 20782, 301-436-8511.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempted from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. This amendment merely reflects such changes and serves to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would have made additional relevant information available to the Department.

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1982 ed.), as amended May 28, 1982 (47 FR 23429-23431), and November 18, 1982 (47 FR 51855), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding or removing (in appropriate alphabetical sequence) the information as shown below:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMPUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
* * * * *			
Delete:			
Indiana:			
Indianapolis		2	
Add:			
* * * * *			
Indiana:			
Indianapolis		1	
Do	Anderson		2
Do	West Lafayette		3
* * * * *			

(64 Stat. 561 (7 U.S.C. 2260))

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 final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Done at Washington, D.C., this 8th day of February, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-3887 Filed 2-11-83; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR 301

Description of Organization

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Final rule.

SUMMARY: The Economic Development Administration has decided to denominate its Regional Offices by the names of the cities in which the Offices are local. In addition, several Regional Offices are no longer located at the located address contained in this regulation. Moreover, Regional Offices are moved so frequently that local addresses are not useful. The regulation will change the names of the Regional Offices, delete local addresses, but still set forth the various states the Regional Offices will serve.

EFFECTIVE DATE: February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Henry C. Kramer, Acting Director, Office of Management and Administration, Economic Development Administration, 14th and Constitution Ave. NW., Room 7816, (202) 377-2914.

SUPPLEMENTARY INFORMATION: Since this rule relates to EDA's grant and loan programs, it is exempt from the notice and comment procedures described in Section 553 of the Administrative Procedure Act (5 U.S.C. 553.) In accordance with Section 3(c)(3) of the Executive Order No. 12291, this rule has been submitted to the Director of the Office of Management and the Budget. This rule is not a major rule as defined in that Order. This rule does not fall within the provisions of the Regulatory Flexibility Act, nor will it create any information collection burdens on the public because of its subject matter, so as to be governed by the Paperwork Reduction Act.

List of Subjects in 13 CFR Part 301

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

PART 301—[AMENDED]

Accordingly, EDA revises 13 CFR 301.31 as follows:

§ 301.31 Economic Development Administration Regional Offices.

Locations:

(a) *Philadelphia.* Philadelphia, Pennsylvania. Serving: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.

(b) *Atlanta.* Atlanta, Georgia. Serving: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

(c) *Denver.* Denver, Colorado. Serving: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

(d) *Chicago.* Chicago, Illinois. Serving: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

(e) *Seattle.* Seattle, Washington. Serving: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Washington, and Northern Mariana Islands.

(f) *Austin.* Austin, Texas. Serving: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211), Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: February 7, 1983.

Carlos C. Campbell,

Assistant Secretary for Economic Development.

[FR Doc. 83-3913 Filed 2-11-83; 8:45 am]

BILLING CODE 3510-24-M

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13 CFR Part 303

Economic Development Districts

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Final rule.

SUMMARY: This change deletes EDA's regulation regarding the requirement that economic development districts, designated by the Assistant Secretary for Economic Development, provide copies of their Overall Economic Development Programs to the appropriate Regional Commission established under Title V of the Public Works and Economic Development Act of 1965, as amended, (Pub. L. 89-136). The Title V Regional Commissions were neither funded nor were their authorizations continued. Thus, these Commissions have in fact been abolished. Therefore, there is no longer a need for this requirement.

EFFECTIVE DATE: February 14, 1983.

FOR FURTHER INFORMATION CONTACT: James F. Marten, Deputy Chief Counsel for Operations and Administration, U.S. Department of Commerce, Economic Development Administration, 14th and Constitution Ave., NW., Washington, D.C. 20230, Room 7009, (202) 377-5441.

SUPPLEMENTARY INFORMATION: Since this rule relates to EDA's grant and loan programs, it is exempt from the notice and comment procedures described in section 553 of the Administrative Procedure Act (5 U.S.C. 553.) In accordance with section 3(c)(3) of Executive Order No. 12291, this rule has been submitted to the Director of the Office of Management and Budget. This rule is not a major rule as defined in that Order. This rule does not fall within the provisions of the Regulatory Flexibility Act, nor will it create any information collection burdens on the public because of its subject matter, so as to be governed by the Paperwork Reduction Act.

List of Subjects in 13 CFR Part 303

Economic development districts, Grant programs, Community development, Loan programs.

PART 303—[AMENDED]

§ 303.9 [Removed]

Accordingly, 13 CFR Part 303 is amended by removing § 303.9 from the text of the regulations and also by removing § 303.9 from the index of Part 303—Economic Development Districts, Subpart A.

(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: February 7, 1983.

Carlos C. Campbell,

Assistant Secretary for Economic Development.

[FR Doc. 83-3912 Filed 2-11-83; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-ASW-19 Amdt. 39-4552]

Airworthiness Directive; Brantly Models B-2, B-2A, and B-2B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Brantly Models B-2, B-2A, and B-2B helicopters certificated in all categories by requiring permanent marking of tail rotor blades to assist in identification of proper blades and prevent confusion during inspections. Also, the AD is being amended to require that the tail rotor blade spar retention area exterior surface be left unpainted. This is to facilitiate daily visual inspections by maintenance personnel and daily checks by pilots.

DATES: Effective February 14, 1983. Compliance schedule—As prescribed in body of AD.

ADDRESSES: A copy of the letters and information concerning this matter may be examined in the docket file of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106, or in the Rules Docket, Room 916, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Tyrone D. Millard or Henry A. Armstrong, Helicopter Certification Branch, ASW-170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 521.

SUPPLEMENTARY INFORMATION: This notice further amends Amendment 39-557 (33 FR 3371), AD 68-04-04, as amended by Amendment 39-3568 (44 FR 55557), which currently requires inspection of the tail rotor blade at the spar retention area to prevent failure on Brantly Models B-2, B-2A, and B-2B helicopters certificated in all categories. After issuing Amendment 39-3568, service experience revealed that there is confusion between tail rotor blade types. It appears that part numbers stenciled on the blades during manufacture are destroyed during service, making it difficult to identify the blade. In addition, paint covering the spar retention area of the tail rotor blades interferes with visual inspections by maintenance personnel and daily checks by pilots.

Since this amendment is intended to provide clarification and imposes no substantial burden on any person, notice and public procedure hereon are unnecessary and the amendment is made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) is amended by further amending Amendment 39-557 (33 FR 3371), AD 68-04-04 as amended by Amendment 39-3568 (44 FR 55557) by adding new paragraphs after paragraph (b) as follows:

* * * * *

(c) To prevent confusion during subsequent inspections of tail rotor blades due to similarity between tail rotor blade assembly, PN 111-11, and assembly, PN 111-11A, use a permanent marking ink or equivalent acceptable for aluminum aircraft components to mark the tail rotor blade assembly with the proper part number identification (See Fig. 1 for dimensions that determine the part configuration).

(d) In order to facilitate inspection of the tail rotor blade spar retention area, do not repaint the spar retention area.

(e) The requirements of paragraphs (c) and (d) above must be implemented no later than the next compliance with paragraph (a) of this AD after February 14, 1983.

This amendment 39-4552 becomes effective February 14, 1983.

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety.

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

Note.—The FAA has determined that this 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.

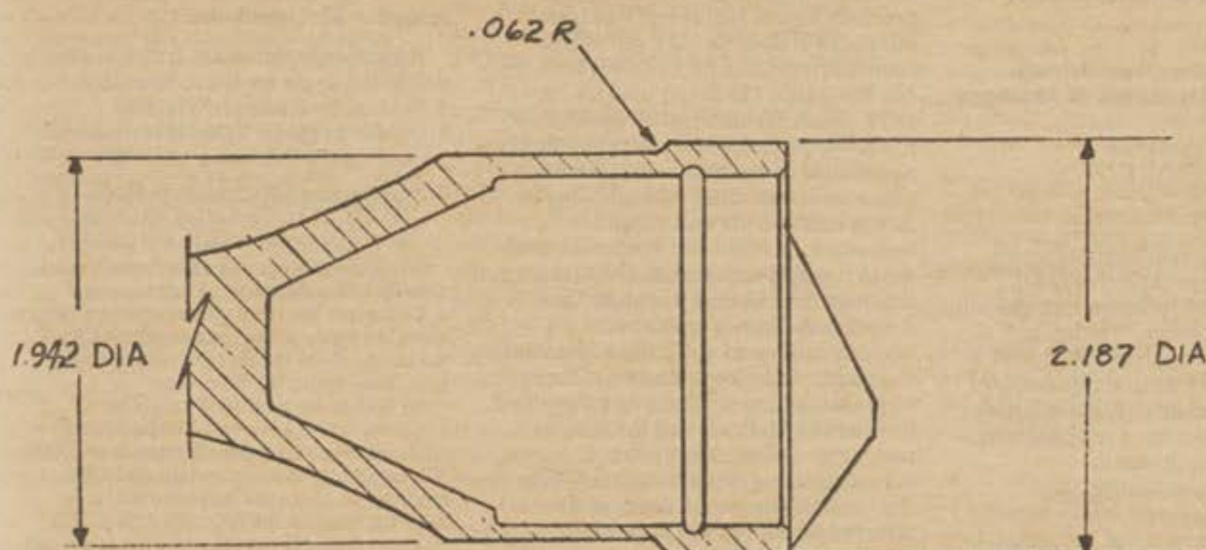
Issued in Fort Worth, Texas on January 19, 1983.

F. E. Whitfield,

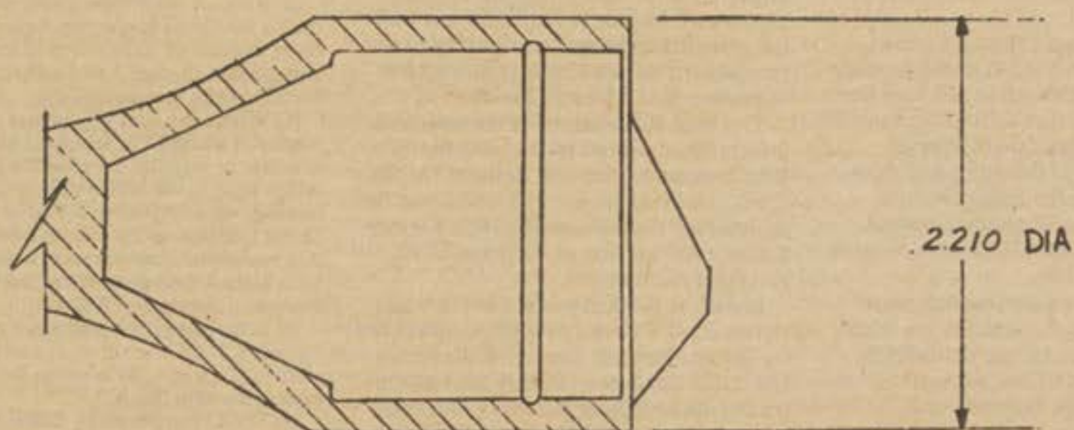
Acting Director, Southwest Region.

ING CODE 4910-13-M

BRANTLY MODEL B-2 SERIES



PN 111-11



PN 111-11A

SPAR - TAIL ROTOR BLADE

FIG. 1

[FR Doc. 83-3615 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 83-CE-3-AD; Amendment 39-4565]

Airworthiness Directives; Britten-Norman Model BN-2A MK III Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Britten-Norman Model BN-2A Mark III Series "Trislander" airplanes, which requires initial and repetitive inspections and replacement of the rivets which attach the internal support ring for the main undercarriage shock absorber to the main undercarriage leg extension tube. Breakage of these rivets has occurred, allowing the separation of the support ring from the extension tube and therefore seriously weakening the undercarriage. The inspections and replacement of the rivets will detect and correct potential failures before separation of the internal support ring occurs.

EFFECTIVE DATE: February 22, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Britten-Norman Service Bulletin No. BN-2/SB.139 dated January 29, 1980, applicable to this AD may be obtained from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, or P. Cormaci, Manager, Foreign FAR 23 Section, ACE-109, Central Region, FAA, 601 East 12th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: One failure of the rivets that attach the internal support ring for the main undercarriage shock absorber to the main undercarriage extension tube has been reported on Britten-Norman Model BN-2A Mark III Series "Trislander" airplanes. This allowed the internal support ring to lodge above the bottom attachment flange. This occurrence seriously weakens the main undercarriage unit by removing the stabilization at the top end of the shock absorber, which can cause deformation or fracture of the bottom mounting flanges of the shock absorber and the main undercarriage extension tube. To preclude future failures of this type, Pilatus Britten-Norman Limited has issued Britten-Norman Service Bulletin No. BN-2/SB. 139 dated January 29, 1980, which recommends inspection of the rivets retaining the internal support ring for the main undercarriage shock absorber to the main extension leg to detect loose rivets and repair as necessary. In addition, replacement of these rivets is required at 15,000 landings. The United Kingdom Civil Aviation Authority who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Great Britain has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under British registration, this action has the same effect as an AD on airplanes certified for operation in the United States.

The FAA relies upon the certification of the United Kingdom Civil Aviation Authority combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Britten-Norman Service Bulletin No. BN-2/SB.139 dated January 29, 1980, and the mandatory classification of this Service Bulletin by the United Kingdom Civil Aviation Authority.

Based on the foregoing, the FAA has determined that the condition addressed by Britten-Norman Service Bulletin No. BN-2/SB.139 dated January 29, 1980, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States.

Accordingly, an AD is being issued requiring inspections and replacement of the rivets which attach the internal support ring for the main undercarriage shock absorber to the main undercarriage leg extension tube on Britten-Norman Model BN-2A MK III airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

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

Britten-Norman Ltd.: Applies to Model BN-2A MK III Trislander (all serial numbers) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent the main undercarriage shock absorber support ring from separating from the inside of the undercarriage extension tube, accomplish the following:

(a) Within the next 50 landings on airplanes which have accumulated 3,000 landings or more on the effective date of this AD, or prior to the accumulation of 3,050 landings on airplanes that have less than 3,000 landings on the effective date of this AD, and thereafter at intervals not to exceed 1,000 landings:

(1) Visually inspect the rivets retaining the main undercarriage shock absorber internal support ring to the main undercarriage leg extension tube in accordance with Steps 1 through 4 of the "Inspection" Section of Britten-Norman Service Bulletin BN-2/SB.139, Issue 1, dated January 29, 1980 (hereinafter referred to as the Service Bulletin).

(2) If one or more loose rivets are found during the above inspection, before further flight, replace all three rivets in accordance with Steps 1 through 3 of the "Rectification" Section of the Service Bulletin.

(b) Within the next 50 landings on airplanes which have accumulated 15,000 landings or more on the effective date of this AD or prior to the accumulation of 15,050 landings on airplanes which have less than 15,000 landings on the effective date of this AD, replace all three rivets in accordance with Steps 1 through 3 of the "Rectification" Section of the Service Bulletin.

(c) In the event that landings have not been recorded, 1,000 hours time-in-service may be used in place of 3,000 landings for purposes of complying with this AD.

(d) The airplane may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of compliance with this AD may be used if approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective on February 22, 1983.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order

12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on February 3, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-3868 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-ANE-48; Amdt. 39-4564]

Airworthiness Directives; McCauley Accessory Division; C200, C300, and C400 Series Constant Speed Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) 82-27-02 [1] applicable to certain McCauley C200, C300, and C400 series propellers. It is needed because the FAA has determined that the applicability statement should be revised to include an additional group of propeller blades, to add new airplane and propeller models, and to correct a blade model callout.

DATES: Effective February 22, 1983.

Compliance required within the next 10 hours time in service after the effective date of the AD unless already accomplished.

Comments on the rule must be received on or before April 22, 1983.

ADDRESSES: The applicable service information may be obtained from McCauley Accessory Division, Cessna Aircraft Company, 3535 McCauley Drive, P.O. Box 430, Vandalia, Ohio 45377.

A copy of the applicable service information and a historical file on this AD are contained in the Rules Docket at the Office of Regional Counsel, FAA, Attn: Rules Docket No. 82-ANE-48, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Henry L. Weiss, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7134.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4521, (48 FR 633) AD 82-27-02, which requires a one-time dye penetrant inspection of certain propeller blades for cracks or forging "folds" in the shank area. After issuing the AD, the FAA has determined that the applicability statement of the AD should be revised to include an additional group of propeller blades, to add new popeller and airplane models, and to correct a blade model callout.

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

Request for Comments on the Rule

Although this action which involves requirements affecting immediate flight safety is in the form of a final rule and thus was not preceded by notice and public comment, comments are now 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. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule. Send comments to Office of Regional Counsel, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803.

List of Subjects in 14 CFR Part 39

Propellers, Aircraft, Aviation safety.

Adoption of Amendment

PART 39—[AMENDED]

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 amending Amendment 39-4521 (48 FR 633), AD 82-27-02, as follows:

1. Add the following aircraft and propeller/blade models to the existing applicability list.

Aircraft	Propeller model/blade model
Cessna 172RG	B2D34C220/80VHA-3.5.
Cessna 207A	D3A34C404/80VA-0.

2. In the list of applicable blade serial numbers, make the following correction and add serial numbers with blade types as shown below.

Applicable Blade Serial Numbers

(a) For BC991 through BC1030 correct blade type to 80VA-0, from 80BA-0.

(b) Add the following serial numbers and blade types:

Serial No.	Blade type
BI001 thru B1200	80VHA-3.5.
BJ081 thru BJ160	80VA-0
BJ161 thru BJ200	80VA-0
BJ253 thru BJ260	80VA-0
BJ262 thru BJ280	80VA-0
BJ282 thru BJ320	80VA-0

Amendment 39-4521 became effective December 30, 1982. This amendment becomes effective February 22, 1983.

(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); Sec. 1189 Federal Aviation Regulation (14 CFR 11.89))

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

Issued in Burlington, Massachusetts, on February 3, 1983.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 83-3702 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-13-M

[1] Filed as a part of original document.

14 CFR Part 95

[Docket No. 23526; Amdt. No. 95-309]

Air Traffic and General Operating Rules; IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: February 17, 1983.

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 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT February 17, 1983.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 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.

Issued in Washington, D.C. on February 4, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

BILLING CODE 4910-13-M

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.		
IS ADDED TO READ		
ALBUQUERQUE, NM VORTAC	GUNA, NM FIX	*14000
*12100 - MOCA		MAA-24000
BROOKLEY, AL VORTAC	SEMMES, AL VORTAC	2000 MAA-17500
CARRA, FL FIX	ORMOND BEACH, FL VORTAC	2000 MAA-17500
DYERSBURG, TN VORTAC	CUNNINGHAM, KY VORTAC	2000 MAA-17500
GAINESVILLE, FL VORTAC	CARRA, FL FIX	2000 MAA-17500
GUNA, NM FIX	HOLLOMAN, NM VOR	#*12000
*9000 - MOCA		MAA-24000
#RADAR REQUIRED WHEN IN HOLLOMAN APCH CTL ARSPC.		
INT CNX VORTAC 315 & OTO VOR 167	GUNA, NM FIX	*12000
*9000 - MOCA		MAA-24000
NEWMAN, TX VORTAC	TURQE, NM FIX	*8000
*6700 - MOCA		MAA-17500
SEMMES, AL VORTAC	GREENE COUNTY, MS VORTAC	2000 MAA-17500
TURQE, NM FIX	HOLLOMAN, NM VOR	#*8000
*6600 - MOCA		MAA-17500
#MAA 11000 MSL WHEN R-5103C IN USE #ROUTE NOT USUABLE WHEN R-5103A OR R-5103B IN USE. #RADAR REQUIRED WHEN IN HOLLOMAN APPROACH CONTROL ARSPC.		
*VAN NUYS, CA VOR/DME	**PALMDALE, CA VORTAC	7800
*6000 - MCA VAN NUYS VOR/DME, NE BND		MAA-17500
**5800 - MCA PALMDALE VORTAC, SW BND		
IS AMENDED TO READ IN PART		
LINCOLN, NE VORTAC	DES MOINES, IA VORTAC	*5000
*2700 - MOCA		MAA-45000
SCOTTSBLUFF, NE VORTAC	ABERDEEN, SD VORTAC	23000 MAA-45000
IS AMENDED TO DELETE		
ALBUQUERQUE, NM VORTAC	CYLOW, NM FIX	*14000
*11600 - MOCA		MAA-27000
CYLOW, NM FIX	HOLLOMAN, NM VOR	*12500
*11700 - MOCA		MAA-27000
DES MOINES, IA VORTAC	IOWA CITY, IA VORTAC	2700 MAA-35000
SAUFLEY, FL VOR VIA NUN VOR 101 & VPS VORTAC 260	EGLIN, FL VORTAC	*2000
*1500 - MOCA		
SAUFLEY, FL VOR VIA NUN VOR 085 & VPS VORTAC 315	EGLIN, FL VORTAC	*2000
*1500 - MOCA		MAA- 6000
§95.1001 DIRECT ROUTES-U.S.—Continued		
SAUFLEY, FL VOR	ROMEK, AL FIX	2000
PUERTO RICO ROUTES		
A036 IS ADDED TO READ		
KATOK, PR FIX	BORINQUEN, PR VORTAC	2000 MAA-45000
BAHAMA ROUTES		
7 LIMA IS AMENDED BY ADDING		
NASSAU, BF NDB	HIROC, BF FIX	*2000
*1400 - MOCA		MAA-45000
HIROC, BF FIX	FREEPORT, BF NDB	*2000
*1400 - MOCA		MAA-45000
§95.6003 VOR FEDERAL AIRWAY 3		
IS AMENDED TO READ IN PART		
WAXEN, MA FIX	WITCH, MA FIX	*5000
*1500 - MOCA		
WITCH, MA FIX	*PEASE, NH VOR	**2000
*5000 - MCA PEASE VOR, S BND		
**1500 - MOCA		
§95.6008 VOR FEDERAL AIRWAY 8		
IS AMENDED TO READ IN PART		
MORMON MESA, NV VORTAC	HUNCH, UT FIX	
	NE BND	12000
	SW BND	9000
HUNCH, UT FIX	BRYCE CANYON, UT VORTAC	12000
§95.6011 VOR FEDERAL AIRWAY 11		
IS AMENDED TO READ IN PART		
GREENE COUNTY, MS VORTAC	*RAKIN, MS FIX	3000
*3400 - MRA		
RAKIN, MS FIX	JACKSON, MS VORTAC	2300
IS AMENDED TO DELETE		
BROOKLEY, AL VORTAC VIA W ALTER	SEMMES, AL VORTAC VIA W ALTER	2000
SEMMES, AL VORTAC VIA W ALTER	GREENE COUNTY, MS VORTAC VIA W ALTER	2000
BURIN, AL FIX VIA E ALTER	LAUREL, MS VOR VIA E ALTER	2000
§95.6011 VOR FEDERAL AIRWAY 11—Continued		
LAUREL, MS VOR	*RAKIN, MS FIX	**2300
*3400 - MRA		
**1700 - MOCA		
GREENWOOD, MS VORTAC VIA W ALTER	HOLLY SPRINGS, MS VORTAC VIA W ALTER	*3000
*2000 - MOCA		
DYERSBURG, TN VORTAC VIA E ALTER	CUNNINGHAM, KY VORTAC VIA E ALTER	2300
DYERSBURG, TN VORTAC VIA W ALTER	CUNNINGHAM, KY VORTAC VIA W ALTER	2000
CUNNINGHAM, KY VORTAC VIA E ALTER	POCKET CITY, IN VORTAC VIA E ALTER	*2600
*2000 - MOCA		
POCKET CITY, IN VORTAC VIA E ALTER	AUGUS, IN FIX VIA E ALTER	2400
AUGUS, IN FIX VIA E ALTER	*WEGEE, IN FIX VIA E ALTER	**3500
*3500 - MRA		
**1900 - MOCA		
WEGEE, IN FIX VIA E ALTER	BLOOMINGTON, IN VORTAC VIA E ALTER	2700
BLOOMINGTON, IN VORTAC VIA E ALTER	INDIANAPOLIS, IN VORTAC VIA E ALTER	2700
§95.6018 VOR FEDERAL AIRWAY 18		
IS AMENDED TO READ IN PART		
NELLO, GA FIX VIA N ALTER	AWSON, GA FIX VIA N ALTER	5600
§95.6021 VOR FEDERAL AIRWAY 21		
IS AMENDED TO READ IN PART		
OLLIE, CA FIX*	PARADISE, CA VORTAC	5000
MORMON MESA, NV VORTAC VIA E ALTER	HUNCH, UT FIX VIA E ALTER	
	NE BND	12000
	SW BND	9000
HUNCH, UT FIX VIA E ALTER	*CEDAR CITY, UT VOR VIA E ALTER	12000
*11400 - MCA CEDAR CITY VOR, S BND		
CEDAR CITY, UT VOR VIA E ALTER	MILFORD, UT VORTAC VIA E ALTER	10000
§95.6035 VOR FEDERAL AIRWAY 35		
IS AMENDED TO DELETE		
GLADE SPRING, VA VORTAC VIA E ALTER	BLUEFIELD, WV VORTAC VIA E ALTER	6600
§95.6097 VOR FEDERAL AIRWAY 97		
IS AMENDED TO READ IN PART		
NELLO, GA FIX	MELLS, NC	*9000
*6200 - MOCA		
§95.6161 VOR FEDERAL AIRWAY 161		
IS AMENDED TO READ IN PART		
ROCHESTER, MN VOR/DME	GOPHER, MN VORTAC	*4800
*2800 - MOCA		
§95.6165 VOR FEDERAL AIRWAY 165		
IS AMENDED TO READ IN PART		
COGOL, CA FIX	MARRI, NV FIX	#*16000
*13600 - MOCA		
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.		
§95.6171 VOR FEDERAL AIRWAY 171		
IS AMENDED BY ADDING		
LEXINGTON, KY VORTAC	MCFEE, KY FIX	2800
MCFEE, KY FIX	LOUISVILLE, KY VORTAC	2600
IS AMENDED TO READ IN PART		
EMILS, MN FIX	FARMINGTON, MN VORTAC	*3800
*2700 - MOCA		
§95.6175 VOR FEDERAL AIRWAY 175		
IS AMENDED TO READ IN PART		
OYENS, IA FIX	WORTHINGTON, MN VOR/DME	3600
§95.6177 VOR FEDERAL AIRWAY 177		
IS AMENDED TO READ IN PART		
DULUTH, MN VORTAC	ELY, MN VOR/DME	3600
§95.6208 VOR FEDERAL AIRWAY 208		
IS AMENDED TO READ IN PART		
OCEANSIDE, CA VORTAC	*VISTA, CA FIX	3000
*5000 - MCA VISTA FIX, E BND		
§95.6218 VOR FEDERAL AIRWAY 218		
IS AMENDED TO READ IN PART		
GOPHER, MN VORTAC	CHATS, MN FIX	*4800
*2800 - MOCA		

§95.6253 VOR FEDERAL AIRWAY 253

IS AMENDED TO READ IN PART

FROM	TO	MEA
MC CALL, ID VORTAC	OXLEY, ID FIX	12000
OXLEY, ID FIX	*LEWISTON, ID VOR/DME	
	SE BND	12000
	NW BND	7400
*6400 - MCA LEWISTON VOR/DME, SE BND		

§95.6305 VOR FEDERAL AIRWAY 305

IS AMENDED BY ADDING

FROM	TO	MEA
CUNNINGHAM, KY VORTAC	WESON, KY FIX	2600
WESON, KY FIX	POCKET CITY, IN VORTAC	2000
POCKET CITY, IN VORTAC	AUGUS, IN FIX	2400
AUGUS, IN FIX	*WEGEE, IN FIX	**2500
*3500 - MRA		
**1900 - MOCA		
WEGEE, IN FIX	BLOOMINGTON, IN VORTAC	2700
BLOOMINGTON, IN VORTAC	INDIANAPOLIS, IN VORTAC	2700

§95.6410 VOR FEDERAL AIRWAY 410

IS AMENDED TO READ IN PART

FROM	TO	MEA
GOPHER, MN VORTAC	BITLR, WI FIX	3400
BITLR, WI FIX	EAU CLAIRE, WI VORTAC	3000

§95.6414 VOR FEDERAL AIRWAY 414

IS AMENDED TO READ IN PART

FROM	TO	MEA
ALEXANDRIA, MN VORTAC	*EXARC, MN	3000
*8000 - MCA EXARC, SE BND		
EXARC, MN	GOPHER, MN VORTAC	8000

§95.6416 VOR FEDERAL AIRWAY 416

IS AMENDED TO READ IN PART

FROM	TO	MEA
ALEXANDRIA, MN VORTAC	*DAYLE, MN FIX	5000
*5000 - MCA DAYLE FIX, NW BND		

§95.6416 VOR FEDERAL AIRWAY 416—Continued

FROM	TO	MEA
DAYLE, MN FIX	GOPHER, MN VORTAC	3400

§95.6418 VOR FEDERAL AIRWAY 418

IS AMENDED TO READ IN PART

FROM	TO	MEA
GOPHER, MN VORTAC	*BITLR, WI FIX	3400
*5500 - MCA BITLR FIX, SE BND		
BITLR, WI FIX	NODINE, MN VORTAC	5500

§95.6458 VOR FEDERAL AIRWAY 458

IS AMENDED TO READ IN PART

FROM	TO	MEA
OCEANSIDE, CA VORTAC	*VISTA, CA FIX	3000
*5000 - MCA VISTA FIX, E BND		

§95.6463 VOR FEDERAL AIRWAY 463

IS AMENDED TO READ IN PART

FROM	TO	MEA
JUDAA, GA FIX	AWSON, GA FIX	5000

§95.6510 VOR FEDERAL AIRWAY 510

IS AMENDED TO READ IN PART

FROM	TO	MEA
GOPHER, MN VORTAC	*BITLR, WI FIX	3400
*5500 - MCA BITLR FIX, SE BND		
BITLR, WI FIX	NODINE, MN VORTAC	5500

§95.6535 VOR FEDERAL AIRWAY 535

IS ADDED TO READ

FROM	TO	MEA
GREENWOOD, MS VORTAC	HOLLY SPRINGS, MS VORTAC	*3000
*2000 - MOCA		

§95.7058 JET ROUTE NO. 58

IS AMENDED TO READ IN PART

FROM	TO	MEA	MAA
WILSON CREEK, NV VORTAC	MILFORD, UT VORTAC	18000	45000
MILFORD, UT VORTAC	FARMINGTON, NM VORTAC	33000	45000

§95.7107 JET ROUTE NO. 107

IS AMENDED TO READ IN PART

FROM	TO	MEA	MAA
MILFORD, UT VORTAC	ROCK SPRINGS, WY VORTAC	#33000	45000

#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	V-39		
	IS AMENDED TO READ IN PART		
SOUTH BOSTON, VA VORTAC	GORDONSVILLE, VA VORTAC	42	SOUTH BOSTON
	V-140		
	IS AMENDED BY ADDING		
DYERSBURG, TN VORTAC	NASHVILLE, TN VORTAC	92	DYERSBURG
	V-283		
	IS AMENDED BY ADDING		
DAWNA, CA FIX #COP MEASURED FROM PARADISE VORTAC.	HECTOR, CA VORTAC	#44	DAWNA
	V-527		
	IS AMENDED BY ADDING		
HOT SPRINGS, AR VOR	RAZORBACK, AR VORTAC	42	HOT SPRINGS

[FR Doc. 83-3866 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-13-C

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
	J-58		
	IS AMENDED BY ADDING		
MILFORD, UT VORTAC	FARMINGTON, NM VORTAC	77	MILFORD
	J-107		
	IS AMENDED BY ADDING		
MILFORD, UT VORTAC	ROCK SPRINGS, WY VORTAC	120	MILFORD

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 290

Extension of Filing Date Under Section 133 of PURPA

[Docket No. RM83-49-000; Order No. 281]

Issued: February 7, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations that implement section 133 of the Public Utility Regulatory Policies Act of 1978 (PURPA). Section 133 of PURPA requires electric utilities to file cost and load data with the Commission and the states, at specified time intervals. This amendment extends from June 30, 1983, until June 30, 1984, the date by which electric utilities with total annual electric energy sales, for purposes other than resale, of less than one billion kilowatt hours must make an initial filing of information under section 133 of PURPA. This extension of time will relieve these small utilities of a data collection and filing burden pending the Commission's reevaluation of its requirements under section 133 of PURPA.

EFFECTIVE DATE: February 7, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph H. Long, Federal Energy Regulatory Commission, Office of General Counsel, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

In the matter of an extension of filing date under section 133 of PURPA. Docket No. RM83-49-000; Order No. 281, final rule.

The Federal Energy Regulatory Commission (Commission) is amending its regulations (18 CFR Part 290) that implement section 133 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[1] Section 133 requires electric utilities to file with the Commission and the states, at specified intervals, electric power cost and load data. This amendment extends until June 30, 1984, the date by which electric utilities that have total annual electric energy sales, for purposes other than resale, of less than one billion kilowatt-hours must make an initital filing of information under section 133.

I. Background

Section 133 requires electric utilities [2] to file a variety of electric power cost of service and load data. Section 133 requires that this information be filed every two years according to methods, procedures, and a format prescribed by the Commission.

The Commission's regulations [3] that implement section 133 require electric utilities to gather and submit a wide variety of cost of service and load data. These regulations require most utilities to report this cost of service information to the Commission and the states for the first time on November 1, 1980. Thereafter, these utilities are required to refile biennially.

In promulgating Part 290 to implement section 133, the Commission expressed concern about "the effect of immediately imposing this new reporting requirement on small utilities." [4] The Commission, therefore, delayed the financial impact of the section 133 reporting requirements by postponing until June 30, 1982, the initial filing deadline for small electric utilities "having total sales of electric energy for purposes other than resale of less than 1 billion kilowatt-hours in each of the calendar years 1976, 1977 and 1978."

In a September 14, 1981, report to Congress,[5] the General Accounting Office (GAO) found that the use of section 133 data was generally very limited and that compliance with section 133 had proved to be both expensive and burdensome. The GAO recommended that the Commission "review and, as appropriate, revise its regulations for implementing section 133 in order to reduce the cost and burden on utilities." Subsequently, on January 29, 1982, the Commission issued a Notice of Inquiry (NOI) [6] in an effort to obtain information concerning the usefulness of the data required to be submitted under Part 290.

In response to the recommendations from the GAO and the comments submitted in response to the NOI, the Commission has issued a Notice of Proposed Rulemaking [7] that presents alternative proposals, including a blanket exemption, for amending the regulations implementing section 133 in order to reduce or eliminate the collection of unnecessary information from electric utilities under Part 290.

II. Extension of Filing Date for Small Electric Utilities

Section 133(c) permits the Commission to extend the date by which an electric utility initially must file information under section 133. The Commission may grant such an extension "for a reasonable additional period in the case of any electric utility for good cause shown." Pursuant to this authority, the Commission, after finding good cause, extended the deadline for an initial filing by small electric utilities from June 30, 1982, until June 30, 1983.[8] However, the time is approaching when small electric utilities must start collecting information in order to meet the June 30, 1983, reporting deadline.

Compliance with the existing requirements of Part 290 of the Commission's regulations necessarily requires the expenditure of considerable time and money, particularly for the initial filing under section 133. In light of the pendency of the rulemaking in Docket No. RM83-9-000, that might significantly change Part 290, the Commission believes it to be inadvisable to require that small electric utilities gather and report any data under existing Part 290 by June 30, 1983. Therefore, the Commission finds good cause to extend until June 30, 1984, the initial filing date provided for small electric utilities under § 290.102(d).

III. Comment Procedure and Effective Date

The Commission finds, pursuant to 5 U.S.C. 553(b)(3)(B), that notice and comment procedure is, at this time,

[1] 16 U.S.C. 2643 (1978).

[2] Section 133 of PURPA is applicable only to electric utilities that have annual electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours. Section 102(a) of PURPA.

[3] Final Regulations, "Collection of Cost of Service Information Under Section 133 of the Public Utility Regulatory Policies Act of 1978" (Docket No. RM79-6), issued June 5, 1979, 44 FR 33847 (June 13, 1979), *codified at* 18 CFR Part 290 [Final Regulations]. These rules were revised substantially by the following orders: Order No. 48, (Docket No. RM79-6), issued September 28, 1979, 44 FR 58687 (October 11, 1979); Order No. 48-A (Docket No. RM79-6), issued January 4, 1980, 45 FR 2023 (January 10, 1980); Order No. 48-B (Docket No. RM79-6), issued August 7, 1980, 45 FR 54033 (August 14, 1980).

[4] 44 FR at 33851.

[5] "Burdensome and Unnecessary Reporting Requirements of the Public Utility Regulatory Policies Act Need to be Changed," September 14, 1981, EMD-81-105.

[6] Notice of Inquiry, "Collection of Cost of Service Information Under Section 133 of the Public Utility Regulatory Policies Act of 1978," (Docket No. RM82-13), issued January 29, 1982, 47 FR 5437 (February 5, 1982).

[7] Notice of Proposed Rulemaking, "Exemption From, and Revisions to, Procedures Governing Collection and Reporting of Information Concerning Cost of Providing Retail Electric Service," (Docket No. RM83-9-000), issued January 19, 1983, 48 FR 3770, (January 27, 1983).

[8] Final Rule, "Extension of Filing Date Under Section 133 of PURPA," Order No. 331 (Docket No. RM82-28-000) issued May 19, 1982, 47 FR 22947 (May 26, 1982).

impracticable and contrary to the public interest. Small electric utilities are required to make initial filings under section 133 of PURPA and Part 290 of the Commission's regulations by June 30, 1983. To comply with the Commission's regulations, small electric utilities are now, or shortly will be, expending resources to gather and prepare the data for filing. Since the Commission has proposed in a pending rulemaking to exempt electric utilities from some or all of the reporting requirements of section 133 of PURPA, or, alternatively, to reduce or eliminate various specific requirements, it would unduly burden small electric utilities to require them to collect data under requirements that may later be amended.

The Commission nevertheless invites interested persons to comment on this final rule. An original and 14 copies of all comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM83-49-000. All written submissions will be placed in the public file that will be established in this docket and made available for public inspection during regular business hours in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

The Commission, under 5 U.S.C. 553(d), also waives the 30-day delay in the effective date of this rule since the rule relieves a regulatory obligation by providing a temporary exemption from a filing requirement for a class of utilities. In addition, the Commission finds, for the above mentioned reasons, that good cause exists for making this amendment effective immediately.

(Department of Energy Organization Act, 42 U.S.C. 7101-7352; E. O. 12009, 3 CFR Part 142 (1978); and the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645 (1978))

List of Subjects in 18 CFR Part 290

Electric utilities, Penalties, Reporting and recordkeeping requirements, Uniform System of Accounts.

PART 290—[AMENDED]

In consideration of the foregoing, Part 290 of Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective February 7, 1983.

By the Commission.

Kenneth F. Plumb,
Secretary.

§ 290.102 [Amended]

Section 290.102(d) is amended by removing "June 30, 1983" and inserting in lieu thereof "June 30, 1984."

[FR Doc. 83-3862 Filed 2-11-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 17

[Docket No. R-83-1075]

Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964; Increase in Amount Payable

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule raises the dollar limit on the amount of a claim payable under the Military Personnel and Civilian Employees' Claim Act to $25,000 pursuant to a recent legislative amendment. The rule also changes the place of filing a claim under the Act from the General Counsel to the appropriate Regional Counsel.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Associate General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, Room 10244, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Military Personnel and Civilian Employees' Claim Act of 1964, 31 U.S.C. 241 (hereinafter referred to as "The Act"), authorizes the head of an agency, with certain exceptions, to pay the claim made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. Current HUD regulations (24 CFR 17.40) set a limit on the amount payable at $6,500. The Act has been amended several times since its original enactment. The most recent amendment, Public Law 97-226, approved July 28, 1982, raised the dollar limit to $25,000. The rule would implement this statutory change.

This rule also directs that claims by, or on behalf of, field employees should be filed in writing with the appropriate Regional Counsel. Current regulations (24 CFR 17.50(a)) direct that claims should be filed with the General Counsel in the central office. The Regional Counsel has been redelegated authority to dispose of claims up to a specified limit. Therefore, it is more expedient for field claims to be filed with the Regional Counsel. Those claims above the specified limit of his or her authority will then be forwarded to the General Counsel.

The subject matter of this rulemaking action relates to departmental procedure and is therefore exempt from the notice and public comment requirements of Section 553 of the Administrative Procedure Act.

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

An environmental assessment, which is made routinely in accordance with HUD regulations in 24 CFR Part 50, pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, is unnecessary because this rule is clearly unrelated to environmental concerns and is considered to have no potential for significantly affecting the quality of the human environment.

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 it pertains only to administrative Departmental procedure.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 17

Administrative claims.

PART 17—[AMENDED]

Accordingly, 24 CFR Part 17 is amended as follows:

§ 17.40 [Amended]

1. By amending paragraph (a) of § 17.40 to remove "$6,500" and to add, in its stead, "$25,000."

§ 17.50 [Amended]

2. By revising paragraph (a) of §17.50 to read as follows: (a) Claims by, or on behalf of, employees of field offices shall be filed in writing with the appropriate Regional Counsel. Claims by, or on behalf of, employees of Department Headquarters shall be filed in writing with the General Counsel, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

(Sec. 3(b)(1), Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: February 7, 1983.

Samuel R. Pierce, Jr.,

Secretary, Housing and Urban Development.

[FR Doc. 83-3873 Filed 2-11-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Approval of the State of Wyoming Abandoned Mine Land Reclamation Plan Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: On April 15, 1982, the State of Wyoming submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On August 16, 1982, the State of Wyoming submitted revisions to its Plan. The purpose of these submissions is to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R, 47 FR 28574–28604, June 30, 1982). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Wyoming Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the Wyoming Plan.

EFFECTIVE DATE: The rule is effective February 14, 1983.

ADDRESSES: Copies of the full text of the Wyoming Plan are available for review during regular business hours at the following locations:

State of Wyoming, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 80202

Office of Surface Mining Reclamation and Enforcement, Casper Field Office, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82644

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: James Fary, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone (202) 343-7921.

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Secretary a State reclamation plan demonstrating its capability for administering an abandoned mine reclamation program. Title IV provides that the Secretary may approve the plan once the State has an approved regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 47 FR 28600–28601, June 30, 1982). Under these regulations, the Director of the Office of Surface Mining is required to review the plan and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Office on an annual basis an application for funds to be expended in that State on specific reclamation projects which are necessary to implement the State reclamation plan as approved. Such annual requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of parts 900 through 953.

Provisions relating to Wyoming are found in 30 CFR Part 950.

Background on the Wyoming Reclamation Plan Submission

OSM published a notice of proposed rulemaking on the original submission and requested public comment on May 10, 1982 (47 FR 20002). A public hearing was held on May 25, 1982, in Casper, Wyoming. OSM met with Wyoming officials on June 30, 1982, in Cheyenne, Wyoming, at which time Wyoming agreed to submit a revised Plan. OSM published a notice of proposed rulemaking on the revised Wyoming Plan and requested public comment on September 27, 1982 (47 FR 42380). A public hearing was held in Casper, Wyoming on October 15, 1982. On January 11, 1983, and January 26, 1983, Wyoming submitted additional modifications and revisions to the Plan. These modifications and revisions are contained in letters of W. C. Ackerman, Administrator, Wyoming Department of Environmental Quality to Jim Fary, Abandoned Mine Land Reclamation Division, Office of Surface Mining. OSM has determined that these additions and revisions are insignificant in nature and, accordingly, require no further public comment.

All of the documents mentioned above are available for public inspection at the offices of OSM and at the Wyoming Land Quality Division listed above under "Addresses."

On February 2, 1983, OSM's Field Office Director and on February 3, 1983, the Assistant Director for Program Operations and Inspection recommended to the Director that the Assistant Secretary approve the Wyoming Reclamation Plan.

The administrative record on the Wyoming Plan is available for review during regular business hours at the Office of Surface Mining Reclamation and Enforcement, at the Mills, Wyoming, address listed above under "addresses".

Assistant Secretary's Findings

1. In accordance with Section 405 of SMCRA, the Assistant Secretary finds that Wyoming has submitted a Plan for reclamation of abandoned mine lands and has determined, pursuant to 30 CFR 884.14, that:

(a) The public has been given adequate notice and opportunity to comment and the record does not reflect any unresolved controversies;

(b) The views of other Federal agencies have been solicited and considered;

(c) The State has the legal authority, policies, and administrative structure to implement the Plan;

(d) The Plan meets all requirements of the OSM, AMLR Program Provisions;

(e) The State has an approved Surface Mining Regulatory Program under Title V of the SMCRA; and

(f) The Plan is in compliance with all applicable State and Federal laws and regulations.

2. The Assistant Secretary has solicited and considered the views of other Federal agencies having an interest in the Plan as required by 30 CFR 884.14. These agencies include: the U.S. Forest Service (USFS), U.S. Fish and Wildlife Service (USFWS), the U.S. Bureau of Mines (USBOM), the U.S. Geological Survey (USGS), the U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (COE), and the Soil Conservation Service (SCS).

Disposition of Comments

The following comments received on the Wyoming Abandoned Mine Land Reclamation Plan during the public comment period were considered in the Assistant Secretary's evaluation of the Wyoming Plan as indicated.

1. The City of Rock Springs, Wyoming commented that the Wyoming Plan "skims over" coal mine reclamation and goes "directly to assisting noncoal mines (reclamation) and the construction of public facilities." The City contends that Pub. L. 95-87 "states that States shall identify the areas to be reclaimed and the purposes for which reclamation is proposed." Moreover, the City contends that OSM's letter of September 23, 1982, to Wyoming on the deficiencies of the original Wyoming submission of April 15, 1982 supports its position that the State has failed to meet the requirements of 30 CFR Subchapter R for a general description of reclamation activities to be conducted, a description of the problems occurring on eligible lands and water, and how the plan proposes to address each of the problems occurring on eligible lands and waters. OSM disagrees and finds that the description on pp. 44-49 of the revised Wyoming AMLR Plan submission of August 16, 1982, meets the requirements of the June 30, 1982, revision of 30 CFR 884.13(e) concerning general reclamation requirements. Under the Federal and State statutes, all coal reclamation projects must be addressed prior to most noncoal problems.

2. The City of Rock Springs contends (letter of Mayor West dated October 5, 1982, and testimony of Mr. Ray Lovato at the October 15, 1982, Casper public hearing) that Wyoming's reclamation project ranking places "emphasis on a county or community's indebtedness". The City contends that this ranking system "is rewarding communities who are not using the optional one cent sales tax or might have had poor financial management". Moreover, the City contends that Wyoming's ranking system "punishes those who manage their finances well by giving them less points if they are not indebted." OSM's response is that it has raised this issue with Wyoming and Wyoming's position is that its ranking system for public facilities projects is designed to help communities most in need. For Wyoming, communities which have not used the optional one percent sales tax have not helped themselves to the extent that they legally can. Therefore, these communities should receive a lesser rating in the public facilities selection process. Wyoming believes that its selection system is equitable and no changes are needed. OSM accepts Wyoming's position because under Title IV of the Act the State has the primary responsibility for project selection. OSM will, under its oversight responsibility, monitor the implementation of Wyoming's project selection procedure to ensure that the purposes of Title IV of the Act are achieved.

3. The City of Rock Springs contends that the Plan "should list and rank (project) areas which have problems as a result of past coal mining activities". For the City, the State should "by now have an idea what specific projects it is going to pursue". OSM's response is that neither the Act nor 30 CFR Subchapter R requires a State to list or rank areas or projects in its State Reclamation Plan. Project ranking and selection will occur after Plan approval and with public participation. For information on any given project, the public should contact the Wyoming Land Quality Division (see address above).

4. The City of Rock Springs expressed concern on the method of treating an emergency situation. The City notes that the State "expects OSM to use their emergency powers" and that the Federal emergency power is limited to abating the cause of the emergency and does not extend to repairing the damage caused by the emergency. The City gives the example of a house partially collapsing as a result of subsidence and notes that the Federal government will "only stabilize the ground" and "all other costs and problems are in the hands of the homeowner". The City recommended that a homeowner's insurance program administered by the State is "one possible solution". OSM's response is that the City of Rock Spring's description of the Federal emergency power is correct. However, once an emergency project is stabilized, if further reclamation work is needed, the project will come under the State reclamation program. Moreover, OSM notes that it has published a "Notice of Opportunity to Amend State/Tribal Reclamation Plans to Include Provision for Emergency Reclamation Activities" (47 FR 42729-30). This Notice allows the States to undertake their own emergency programs. OSM believes that the City's recommendation of a homeowner's insurance program is within the prerogative of the State of Wyoming. OSM has forwarded to Wyoming descriptions of subsidence insurance programs used in other States. Wyoming has indicated that "legislation has been introduced to establish an insurance program for subsidence." Moreover, Wyoming further indicated that "if the legislation is not passed, we will establish a reserve fund" (letter dated January 26, 1983 of W. C. Ackerman, Administrator, Wyoming Department of Environmental Quality to Jim Fary, Abandoned Mine Land Reclamation Division, Office of Surface Mining).

5. The USFWS commented that p. 25, paragraph 6 of the Wyoming Plan indicates that development of adversely affected public land for recreation, conservation, or similar benefits will not be feasible in most cases because of the abundance of public lands in most coal mining areas in Wyoming. The USFWS

contends that in the Powder River Basin Coal Area public lands are relatively scarce and are heavily used because of the difficulty in obtaining access to other lands. The USFWS recommends that high priority be given to restoration of lands degraded by mining to their former productivity and useful condition for conservation and other values. OSM's response is that it has discussed the USFWS's recommendation with Wyoming. Wyoming's position is that all sites in the Powder River Basin Coal Area requiring reclamation are on private lands and so it is unlikely that there will be an opportunity to acquire such lands for recreation, conservation or similar benefits. If such an opportunity arises, Wyoming has not ruled out acquisition for recreation, conservation or similar benefits.

6. The USFWS commented that it should be consulted not only when endangered species are involved, but also on the adequacy of reclamation for wildlife, especially when it involves riparian, wetlands, or aquatic areas and migratory birds included on the list of "Migratory Birds of High Federal Interest." OSM's response is that it has discussed this issue with Wyoming. Wyoming's position is that it will consult the USFWS whenever such consultation will advance the goals of its reclamation program. OSM agrees that this is appropriate.

7. The USFWS commented that it is especially concerned by the statement (p. 47, paragraph 4 of the Plan) that "wildlife habitat will be returned if requested by the landowner." The USFWS believes that, especially when Federal funds are spent, "maximum value should be returned when lands are reclaimed" to include the restoration of wildlife habitat. The USFWS is doubtful that landowners will specifically request restoration of wildlife habitat. The USFWS recommends that restoration of wildlife habitat be "an integral part of all reclamation plans unless the landowner specifically opposes it." OSM's response is that it has raised this issue with Wyoming. Wyoming's response is as follows:

> Landowner rights take precedence over wishes of others including the Fish and Wildlife Service unless a specific law requires us to follow another procedure. There are specific exclusions for private lands even in our regulatory laws. Most sites requiring reclamation (except private bentonite lands) are so small as to be insignificant for wildlife anyway. Excluding bentonite, 10 sites are over 100 acres with at least 2 of these within a city or town, 12 sites are 50 to 100 acres, 21 sites are 10 to 50 acres, and the remaining 147 sites are less than 10 acres, most of them 1 acre or less (letter of January 26, 1983 from W. C. Ackerman, Administrator, Wyoming Department of Environmental Quality, to Jim Fary, Abandoned Mine Land Reclamation Division, Office of Surface Mining).

OSM accepts Wyoming's position because under Title IV of the Act the State has the primary responsibility for deciding post-reclamation land use. OSM will, under its oversight responsibility, monitor the implementation and progress of Wyoming's Abandoned Mine Land Reclamation Program to ensure that the purposes of Title IV of the Act are achieved.

8. The USFWS commented that, in its discussion on the "economic base" (p. 49) Wyoming does not address the importance of tourism and outdoor recreation. OSM disagrees and finds that the Plan's description of Wyoming's economic base (p. 49) meets the requirements of 30 CFR 884.13.

9. The USFWS commented that, regarding p. 77 of the Wyoming Plan, the Northern Swift Fox is neither on the endangered/threatened list nor is it proposed for listing as Wyoming indicates. OSM's response is that Wyoming agrees and has corrected this oversight.

10. The USGS has submitted technical corrections to Exhibit G of the Plan. These corrections have been brought to Wyoming's attention and can be used whenever Wyoming's Plan is revised.

Additional Findings

The Office of Surface Mining has examined this rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, state, or local government agencies or geographic regions; and

2. Approval will not have 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.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the Wyoming Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual (DM) 516.2.2(A)(1) the Assistant Secretary's decision on the Wyoming Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment (EA) or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The good cause for making this rule effective February 14, 1983, is: (1) The Office of Surface Mining wants to minimize the time between the approval of Title V regulatory programs and Title IV State reclamation program plans; and (2) grants are pending approval of the Title IV plan and OSM wishes to expedite grant assistance to States to initiate needed reclamation work as required by the Act.

List of Subjects in 30 CFR Part 904

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

PART 950—WYOMING

Therefore, Part 950 is amended by adding § 950.30 to read as follows:

§ 950.30 Approval of Wyoming Abandoned Mine Land Reclamation Plan.

The Wyoming Reclamation Plan, as submitted on August 16, 1982, is approved. Copies of the approved program are available at:

State of Wyoming, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 80202

Office of Surface Mining Reclamation and Enforcement, Casper field Office, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82644

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240

Dated: February 3, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

Dated: February 3, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

[FR Doc. 83-3850 Filed 2-11-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 710

[OPTS-80012A; TSH-FRL 2303-5]

Inventory Reporting Regulations; Release of Aggregate Production Statistics

AGENCY: Environmental Protection Agency.

ACTION: Rule related notice.

SUMMARY: The Environmental Protection Agency (EPA) will publicly release aggregate total production statistics for substances reported for the Toxic Substances Control Act (TSCA) Chemical Substances Inventory which have one or more confidentiality claims for production volume associated with them. This notice describes the aggregation method that will be used. The confidentiality of individual production ranges will be protected from disclosure by using broad aggregate ranges to express the total production level for each substance. Aggregate data for a substance will be released only if it would not be possible to use public Inventory information to identify any of the individual confidential reports that comprise the aggregate to closer than three Inventory reporting ranges. This notice also provides companies the opportunity to request that certain aggregate information not be released if it could cause economic harm to the company.

DATES: Requests that aggregate production information for individual substances not be released must be received by EPA by March 31, 1983. Aggregate information will be made available on April 15, 1983.

ADDRESS: See paragraph V. "Requests For Exemption From Release of Data" in Supplementary Information.

FOR FURTHER INFORMATION CONTACT: Chris Tirpak, Acting Director, Industry Assistance Office (TS-799), Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460; toll free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 23, 1982 (47 FR 27075), EPA announced proposed procedures for releasing aggregate production statistics for substances listed on the Toxic Substances Control Act (TSCA) Chemical Substances Inventory and requested comments from interested parties. This notice describes the modifications that have been made to the proposed procedures in response to public comments. It also announces the Agency's intent to make the aggregate production data available to the public on April 15, 1983.

EPA's commitment to produce these procedures arises from the Final Inventory Reporting Regulations, published in the **Federal Register** of December 23, 1977 (42 FR 64592), and the Notice of Availability of the TSCA Initial Inventory, published in the **Federal Register** of May 15, 1979 (44 FR 28561), in which the Agency stated that it would develop aggregation rules for releasing Inventory data. EPA has received numerous inquiries about Inventory production information from State governments and different sectors of the public. The Agency believes that it is strongly in the public interest that this aggregate data be released.

II. Characteristics of the Inventory

Companies that reported for the Inventory were required to indicate that their 1977 production for each substance fell into one of the following eleven ranges:

N—None
0—0 to 1000 lbs.
1—1000 to 10,000 lbs.
2—10,000 to 100,000 lbs.
3—100,000 to 1 million lbs.
4—1 million to 10 million lbs.
5—10 million to 50 million lbs.
6—50 million to 100 million lbs.
7—100 million to 500 million lbs.
8—500 million to 1 billion lbs.
9—Over 1 billion lbs.

Reports were received for almost 60,000 substances. One or more of the submitters of about 30 percent of the substances exercised their option to claim production volume as confidential. Inventory production information which was not claimed as confidential has already been made public.

III. Aggregation Methodology

After investigating alternative techniques for aggregating Inventory production information, EPA selected a "roll up" method. The Agency believes that this method provides sufficient protection to individual pieces of confidential information while allowing EPA to release aggregate production data for the vast majority of Inventory substances.

Using the roll up method, the Agency will be able to indicate that the total production level for Inventory substances with one or more confidential production claims falls into one of the following broad aggregate ranges:

Range 1—0 to 1 million lbs.
Range 2—1 million to 100 million lbs.
Range 3—100 million to 1 billion lbs.
Range 4—1 billion lbs. and above.

To determine in which of the four intervals each substance's actual total production range lies, the upper and lower bounds of all production ranges reported (both confidential and non-confidential) were added together for each substance. (The upper bound value for reporting range 9 was presumed to be 4 billion lbs.)

Further protection is afforded to individual pieces of confidential information. Before releasing aggregate information about any substance the Agency requires that the aggregate production range information cannot be combined with whatever nonconfidential production information is available from the public Inventory on the substance to reveal individual pieces of confidential production information to closer than three reporting ranges. In other words, no aggregate information will be released for a substance unless the Agency has determined that each submitter's confidential production volume report is masked to the extent that it cannot be identified to closer than three reporting ranges based on the public Inventory.

IV. Releasing Aggregate Data

The information released will not include data that are withheld under the constraints described above. In addition, it will not include aggregate information for substances that are exempted from release under the provisions of unit V of this notice.

Aggregate reports will be generated in response to requests made on a substance-by-substance basis. A person requesting reports should provide EPA with the CAS number or chemical identity for each substance for which an aggregate report is desired. Other Federal agencies or State governments may request aggregate data for groups of substances.

V. Requests for Exemption From Release of Data

Two of the commenters on the June 23 notice indicated that, in some relatively unique circumstances, the release of

aggregate production data for Inventory substances may reveal information which some submitters may consider sensitive. In response to these concerns, EPA will allow submitters to request that production information for individual Inventory substances be exempted from the data aggregation provisions described in this notice.

Exemption requests will be accepted only if the following requirements are fulfilled. Requests must be for single substances and not for groups of substances (for example, an exemption request for all reports submitted by company *x* will not be accepted). Requests may be made only by one of the original submitters of production information for the substance. A request must include an explanation of why the substance should be exempted from aggregate release. This justification must include a specific description of how competitors might make use of the aggregate information and what kinds of economic detriment the submitter believes it will suffer if such information is released. General assertions of speculative harm will not be accepted. Specific examples must be included of how and why release of aggregate information might injure a company's competitive position for each substance for which an exemption is requested.

Exemption requests will be treated as confidential if so requested. Each page containing confidential material should be marked "Confidential" at the top. Materials which are not so marked will be placed in the public file. Requests should be addressed to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

Exemption requests must be postmarked no later than March 31, 1983. Requests postmarked after that date will not be accepted.

If EPA denies an exemption request on substantive grounds, the requester will be contacted and allowed 30 days to respond to the Agency's decision before aggregate data for that substance will be released. If EPA determines that a request is unacceptable or incomplete for one of the reasons cited above, the requester will be contacted and allowed either 10 working days or the remainder of the 30-day request period, whichever is longer, to supplement or correct its request.

(Sec. 8, Pub. L. 94-469, 90 Stat. 2027 (15 U.S.C. 2607))

Dated: January 24, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-3645 Filed 2-11-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 105-61

[ADM 7900.2 CHGE 18]

Public Use of Records, Donated Historical Materials, and Facilities in the National Archives and Records Service; Restrictions on the Use of Records

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This rule revises the statement of "general restrictions" on access to records accessioned by the National Archives and Records Service (NARS). This revision is fully consistent with the Freedom of Information Act (FOIA) and the 1974 and 1976 amendments thereto, which establish nine exemption categories as the only valid bases for restricting access to accessioned Federal records of the Executive Branch. Five general restrictions are substituted for seventeen general restrictions currently imposed by the Archivist of the United States. A statement of general restrictions is intended to highlight those general categories of information found among the records of many Federal agencies which NARS is most likely to withhold from public use. NARS also imposes "specific restrictions" on access to designated records of a single Federal agency, provided that the restrictions are consistent with the amended FOIA.

DATE: This regulation is effective February 14, 1983.

FOR FURTHER INFORMATION CONTACT: William H. Leary, (202) 523-3081.

SUPPLEMENTARY INFORMATION: This regulation was published as a proposed rule in the **Federal Register** of August 25, 1982. Two comments were received. One comment recommended amending § 105-61.5302-3 to specify that "efforts will be made to locate the submitting person or firm" before disclosure is made. We agree, but we believe that such instructions should be given in staff training sessions and implementing directives rather than a general policy statement. A second respondent suggested deleting a phrase from § 105-61.5302-5 that might conflict with the FOIA. That amendment has been made.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 105-61

Archives and records, Classified information, Freedom of information, Government property management, Privacy.

Accordingly, 41 CFR Part 105-61 is amended as follows:

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

1. The table of contents for Part 105-61 is amended by adding and removing entries for Subpart 105-61.53 as follows:

Sec.

105-61.5302-1 National security information.
105-61.5302-2 Information exempted from disclosure by statute.
105-61.5302-3 Trade secrets and commercial or financial information.
105-61.5302-4 Information which would invade the privacy of an individual.
105-61.5302-5 Information related to law enforcement investigations.
105-61.5302-8 Immigration and naturalization certificates and declarations. [Removed]
105-61.5302-18 Individual privacy. [Removed]

Subpart 105-61.53—Restrictions on the Use of Records

2. Section 105-61.5302 is revised to read as follows:

* * * * *

§ 105-61.5302-1 National security information.

(a) Records. Records containing information regarding national defense

or foreign policy and properly classified under an Executive order.

(b) Restrictions. Such records may be disclosed only in accordance with the provisions of such Executive order and its implementing directive.

(c) Imposed by. Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2104.

§ 105-61.5302-2 Information exempted from disclosure by statute.

(a) Records. Records containing information which is specifically exempted from disclosure by statute.

(b) Restrictions. Such records may be disclosed only in accordance with the provisions of such statute.

(c) Imposed by. Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2104.

§ 105-61.5302-3 Trade secrets and commercial or financial information.

(a) Records. Records not restricted by statute but which contain trade secrets and commercial or financial information submitted to the government with an expressed or implied understanding of confidentiality.

(b) Restrictions. Such records may be disclosed only if:

(1) The party that provided the information agrees to its release; or

(2) In the judgment of the Archivist of the United States, the passage of time is such that release of the information would not result in substantial competitive harm.

(c) Imposed by. Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2104.

§ 105-61.5302-4, Information which would invade the privacy of an individual.

(a) Records. Records containing information about a living individual which reveal details of a highly personal nature that the individual could reasonably assert a claim to withhold from the public to avoid a clearly unwarranted invasion of privacy, including but not limited to information about the physical or mental health or the medical or psychiatric care or treatment of the individual, and that—(1) Contain personal information not known to have been previously made public, and (2) relate to events less than 75 years old.

(b) Restrictions. Such records may be disclosed only:

(1) To those officers and employees of the agency that transferred the records to the National Archives who have a need for the record in the performance of their official duties;

(2) To those officers and employees of the agency that originated the information in the records who have a need for the records in the performance of their official duties;

(3) To researchers for the purpose of statistical or quantitative research when such researchers have provided the National Archives with adequate written assurance that the record will be used solely as a statistical research or reporting record and that no individually identifiable information will be disclosed; or

(4) To the subject individual or his duly authorized representative (the individual requesting access will be required to furnish reasonable and appropriate identification). Access will not be granted, however, to records containing the following categories of information: (i) Investigatory material compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, or Federal contracts if the identity of the source who furnished the information to the Government under an expressed or implied promise of confidentiality is reveals; (ii) evaluation material used to determine potential for promotion in the armed services if the identity of the source who furnished the information to the government under an expressed or implied promise of confidentiality is revealed; and (iii) security classified material.

(c) Imposed by. Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2104.

§ 105-61.5302-5 Information related to law enforcement investigations.

(a) Records. Records containing information related to or compiled during a law enforcement investigation.

(b) Restrictions. Such records may be disclosed only:

(1) If the release of the information does not interfere with enforcement proceedings, and

(2) If confidential sources and/or confidential information are not revealed, and

(3) If the release of the information would not constitute an unwarranted invasion of personal privacy, and

(4) If confidential investigation techniques are not described, and

(5) If the release of the information would not endanger the safety of law enforcement personnel, or

(6) If, in the judgment of the Archivist of the United States the passage of time is such that:

(i) The safety of persons is not endangered, and

(ii) The public interest in disclosure outweighs the continued need for confidentiality.

(iii) Imposed by. Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2104.

(Sec. 205(c), 63 Stat., 390; 40 U.S.C. 486(c))

Dated: December 28, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83-3830 Filed 2-11-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6351

[OR-22051 (WASH)]

Washington; Public Land Order No. 6260; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description of Public Land Order No. 6260 of June 7, 1982.

EFFECTIVE DATE: February 5, 1983.

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

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

The land description in Public Land Order No. 6260 of June 7, 1982, in FR Doc. 16343 published at page 26131, in the issue of Thursday, June 17, 1982, is corrected as follows:

On page 26131, under T. 30 N., R. 1 W., the line reading "sec. 28, lots 12, and 13, and those portions" should read "sec. 28, lots 11, 12, and 13, and those portions."

Dated: February 5, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-3853 Filed 2-11-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 534 and 536

[General Orders 10 and 13; Docket No. 82-42]

Green Hide Weighing Practices; and Publishing and Filing Tariffs by Common Carrier in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This removes unnecessary duplicating regulations which were originally promulgated to ensure a uniform method of declaring shipping weights on green salted hides for export in the foreign commerce of the United States. The result of this action will not change the original regulations in any manner, except as to provide a single codification of the regulation which is now published in the Commission's G.O. 13, 46 CFR 536.5(d)(17).

DATE: Effective February 14, 1983.

ADDRESS: Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Frances C. Hurney, Secretary, (202) 523-5725.

SUPPLEMENTARY INFORMATION: On September 15, 1982, 47 FR 40867, the Commission published a notice of proposed rulemaking requesting comments on the proposed removal of Part 534 of Title 46 of the Code of Federal Regulations (29 FR 5887, May 5, 1964), and the amendment of 46 CFR 536.5(d)(17) to delete reference to 46 CFR Part 534 therein.

The proposed rulemaking incorrectly indicated in the preamble, as well as in paragraph 3 on page 2 and the last paragraph on page 3, reference to "46 CFR 536.5(c)(17)." The correct reference should have read "46 CFR 536.5(d)(17)." There is no section "536.5(c)(17)" in § 536.5.

One response was received from the Inter-American Freight Conference. The commentator agreed that there is no need for 46 CFR Part 534. The Conference, however, rationalized that the effect of the proposed modification of section 536.5(d)(17) appeared to increase, not decrease, the regulatory burden upon conferences and carriers. The Conference maintained that the effect of deleting the phrase ". . . in accordance with Part 534 of the Commission's rules. . ." would be to require every tariff to include a rule relating to the weighing of hides even if there were no commodity rates covering green salted hides. This contention represents a misinterpretation of the intent of the Commission's rulemaking, which is simply to provide one single regulation under 46 CFR 536.5(d)(17) relating to the transportation of green salted hides.

The same regulations applicable to the carriage of green salted hides will continue to be effective for all common carriers. Consequently, if a carrier elects not to provide common carriage on green salted hides, the tariff rule 17 shall continue to indicate such fact by a simple notation "not applicable," as is the current practice with any other tariff rule which fails to have any application in a given tariff.

The present duplicating provisions published in 46 CFR Part 534 and § 536.5(d)(17) will be eliminated by the action proposed herein with no resulting regulatory impact whatsoever. This action will simply codify currently effective regulations under the Commission's General Order 13, § 536.5(d)(17).

List of Subjects

46 CFR Part 534

Exports, Maritime carriers, Reporting requirements.

46 CFR Part 536

Maritime carriers, Reporting and recordkeeping requirements.

Therefore, it is ordered, That pursuant to 5 U.S.C. 553 and sections 14(b), 15, 16, 17, 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 813(a), 814, 815, 816, 817(b) and 841(a)) the Code of Federal Regulations is amended as follows:

PART 534—[REMOVED]

1. 46 CFR Part 534 is removed; and

§ 536.5 [Amended]

2. The first sentence of 46 CFR 536.5(d)(17) is amended by removing the phrase: ". . . in accordance with Part 534 of the Commission's rules. . . ."

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-3950 Filed 2-11-83; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 30207-23]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of inseason adjustment.

SUMMARY: NOAA issues this notice of an increase in the optimum yield for sablefish harvested off the coasts of Washington, Oregon and California in 1982. This action is authorized under the Pacific Coast Groundfish Fishery Management Plan and implementing regulations. This action will establish a more accurate basis for management of the sablefish harvest in 1983.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, (206) 527-6150.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan was approved on January 4, 1982. Implementing final regulations, published in October 5, 1982 (47 FR 43964), authorize the Secretary to increase the numerical optimum yield (OY) for a species managed under that plan, when so recommended by the Pacific Fishery Management Council. The Secretary may take such action if no biological stress would result and if the increase would promote full utilization of the fishery resource. The Council considered this matter at its September and November, 1982 meetings, obtained data and advice from its Groundfish Management Team, Scientific and Statistical Committee, Advisory Subpanel and the public, and recommended that the Secretary increase the 1982 OY for sablefish to 17,400 mt. The Council's recommended increase in OY was based on social and economic needs and there was no indication that biological stress had occurred or would occur in 1982. A notice of proposed inseason adjustment and request for comments until January 11, 1983, was published by the Secretary on December 22, 1982, at 47 FR 57079.

No comments were received in response to the notice of proposed action.

The Secretary has considered available information and concluded that a 30 percent increase in the 1982 OY for sablefish from 13,400 to 17,400 mt will not cause biological stress to that or any other species managed under the plan and will promote full utilization of the resource. He therefore increases the OY for sablefish to 17,400 mt. The sablefish OY for Monterey Bay remains at 2,500 mt and is not affected by this action.

It has been determined that it is impracticable and contrary to the public interest to delay the effective date of the rule under section 553(d) of the Administrative Procedures Act, 5 U.S.C. 551 *et seq.* This action is taken under authority of 50 CFR 663.22(b) and is taken in compliance with Executive Order 12291. The action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

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

List of Subjects in 50 CFR Part 663

Fish, Fisheries, Fishing.

Dated: February 9, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-3946 Filed 2-9-83; 4:50 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 31
Monday, February 14, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

Pecans Grown in 16 States; Hearing on Proposed Marketing Agreement and Order No. 983

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of additional public hearing session on proposed marketing agreement and order.

SUMMARY: Notice is hereby given of an additional hearing session to consider a proposal to establish a marketing agreement and order for pecans. This session will take place in Washington, D.C., and is in addition to three sessions already announced by a notice published in the December 22, 1982, Federal Register (47 FR 57222). The proposed program would authorize marketing research and development projects, including promotion and paid advertising, designed to improve the marketing, distribution, and consumption of pecans. The proposal was submitted by the Federated Pecan Growers' Association and has not received the approval of the Secretary of Agriculture. All interested persons will be given the opportunity to testify at the hearing.

DATES: See Supplementary Information for dates of public hearings.

ADDRESS: See Supplementary Information for location of public hearings.

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

SUPPLEMENTARY INFORMATION: The complete schedule of hearing sessions is as follows:

1. February 8-11, Dallas, Texas, LeBaron Hotel, 1055 Regal Row.
2. February 14-16, Atlanta, Georgia, L. D. Strom Auditorium, Lower Plaza Level, Richard B. Russell Federal Building, 75 Spring Street, S.W.
3. February 17-18, Mobile, Alabama, Mobile Gas Service Corporation Auditorium, 2828 Dauphine Street.
4. February 28, Washington, D.C., Room 104-A, USDA Administration Building, 14th and Independence Avenue, S.W. This session may continue beyond one day if necessary.

All hearing sessions are scheduled to begin at 9 a.m., local time. This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900). The public hearing is for the purpose of:

(a) Receiving evidence about the economic and marketing conditions which relate to the proposed marketing agreement and order and to any appropriate modifications thereof,

(b) Determining whether the handling of pecans produced in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce.

(c) Determining whether there is a need for a marketing agreement and order for pecans, and

(d) Determining whether the proposed marketing agreement and order or any appropriate modification of it will tend to effectuate the declared policy of the act.

The notice of hearing for the sessions in Dallas, Atlanta, and Mobile was published in the December 22, 1982, Federal Register (47 FR 57222). Please refer to that notice for details on the proposed pecan marketing agreement and order.

The Washington, D.C., session is scheduled at the request of several interested persons.

List of Subjects in 7 CFR Part 983

Marketing agreement and order, Pecans.

Signed at Washington, D.C., on February 7, 1983.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-3827 Filed 2-11-83; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1099

Milk in the Paducah, Kentucky, Marketing Area; Proposed Termination of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed termination of rules.

SUMMARY: This notice invites written comments on a proposal to terminate the seasonal producer payment plan (Louisville plan) that was designed to encourage more level milk production by dairy farmers throughout the year under the Paducah, Kentucky, milk order. The action was proposed by Dairymen, Inc., a cooperative association representing a large portion of the producers who supply milk for the Paducah market. The association contends that the plan no longer accomplishes its intended purpose under current marketing conditions.

DATE: Comments are due by March 1, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would have no effect on the application of the order to regulated handlers, since the action affects only

the manner in which the proceeds from milk sales are distributed to producers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the termination of the following provisions relating to the seasonal incentive producer payment plan of the order regulating the handling of milk in the Paducah, Kentucky, marketing area is being considered:

1. In § 1099.61, the provisions in that part of paragraph (e) that read "except for the months specified below, shall be" and the provisions contained in paragraphs (f) through (j) in their entirety.

2. In § 1099.70, the provisions in paragraph (b).

All persons who want to file written data, views, or arguments in connection with the proposed termination should send two copies of them to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this notice in the **Federal Register.**

Any comments that are received will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed termination would delete those provisions of the Paducah order that provide for deducting 50 cents per hundredweight of producer milk from the pooled value of milk in computing the uniform prices to producers during April through July. The monies so accumulated are added to the pool funds in computing the uniform price to producers for each month of September through December. This plan, which is commonly known as the "Louisville plan," is intended to encourage more level milk production throughout the year.

The termination of the Louisville plan on or before April 1, 1983, was requested by Dairymen, Inc., a cooperative association representing a large portion of the producers supplying the market.

In supporting its request, the cooperative claims that the seasonal payment plan no longer accomplishes its intended purpose under current marketing conditions. In that regard, the cooperative claims that the 50-cent adjustment rate is no longer adequate to gain the desired leveling effect on milk production. When that rate was adopted, the 50-cent rate amounted to about 10 percent of the average pay price for the market before reflecting the Louisville plan adjustments. The same rate now represents less than 4 percent of such average pay price, which in the cooperative's opinion, is not adequate to effectively encourage level milk production.

In its request, Dairymen, Inc., indicates that under the reblending privileges for cooperatives, the other major cooperative supplying the market does not pay its members on the basis of the order's Louisville plan.

For the foregoing reasons, the petitioning cooperative proposes that the provisions of the Louisville plan be deleted from the order.

List of Subjects in 7 CFR Part 1099

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on February 9, 1983.

William T. Manley,

Deputy Administator, Marketing Program Operations.

[FR Doc. 83-3949 Filed 2-11-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1136

[Docket No. AO-309-A24]

Milk in the Great Basin Marketing Area; Partial Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This partial decision adopts on an emergency basis a change in the pooling provisions of the Great Basin Federal milk order. The change provides that a distributing plant located in the marketing area that processes and distributes primarily aseptically processed fluid milk products would be fully regulated under the order irrespective of the market or markets in which the products may be distributed.

The change, based on a proprietary handler's proposal, was considered at a public hearing held December 9, 1982, in Salt Lake City, Utah. The change is necessary to reflect current marketing conditions and to insure orderly marketing conditions in the regulated area. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto have been omitted. A separate recommended decision will deal with the remaining issues in this proceeding.

Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Section 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior document in this proceeding:

Notice of Hearing: Issued November 19, 1982; published November 26, 1982 (47 FR 53395).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Great Basin marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Salt Lake City, Utah, on December 9, 1982. Notice of such hearing was issued on November 19, 1982 (47 FR 53395).

Interested parties were given until January 5, 1983, to file post-hearing briefs on proposal No. 1 as published in the hearing notice and on whether the proposal should be considered on an expedited basis.

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposal on small businesses. However, no participants at the hearing testified about any potentially adverse impacts of the proposal on small businesses.

Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action, which is based on a hearing record, would not have a significant economic impact on a substantial number of small entities. The action will lessen the regulatory impact of the order on certain milk handlers and will promote orderly marketing of milk by producers and regulated handlers.

The material issues on the record relate to:

1. Performance standards for a pool plant that primarily processes and distributes aseptically processed fluid milk products.

2. Whether an emergency exists to warrant the omission of a recommended decision and the opportunity to file written exceptions thereto with respect to issue No. 1.

3. Permit an "exempt plant" to have part of its milk supply aseptically processed and packaged by another plant that primarily processes and distributes aseptically processed fluid milk products.

4. Classify as Class II rather than as Class I formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed paper containers.

This decision deals only with issues 1 and 2. The remaining issues of the hearing will be considered in a later decision on this record.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Performance standards for a pool plant that processes and distributes aseptically processed fluid milk products.* The provisions of the order that relate to the basis for pooling a fluid milk plant should be expanded to include a distributing plant located in the marketing area whose principal activity is the processing and distribution of aseptically processed fluid milk products. Such pool status, however, should not be dependent upon the amount of route disposition in the Great Basin marketing area.

The order now provides that to qualify as a pool plant a fluid milk plant must distribute on routes as Class I milk not less than 40 percent in May–August, 45 percent in March–April and 50 percent in September–February of its receipts of fluid milk products. Also, such plant must have Class I route disposition in the marketing area equal to at least 15 percent of its total receipts of fluid milk products.

Gossner Foods, Inc. (Gossner), a proprietary handler, proposed that the order be amended to accommodate the operations of a new milk plant that it had built at Logan, Utah. The plant is located in the marketing area and is expected to be operational in early 1983. A witness for Gossner testified that the new plant will process, package and distribute fluid milk products that are aseptically packaged in hermetically sealed paper containers. The witness indicated that the aseptic process would include the use of ultra high temperature pasteurization, and that the resulting products, commonly referred to as "UHT" milk, could be distributed and stored unrefrigerated for several months.[1] The proprietary handler proposed that this type of plant be a pool plant if it is located in the marketing area and meets the current performance requirements for a distributing plant except for the 15 percent in-area route disposition requirement. Proponent stated that the intent of the proposal is to assure that its plant be pooled under the Great Basin order even though it may have greater route sales in other Federal order markets.

Spokesmen for the proponent cited several reasons why the proposal should be adopted. One reason cited was the nature of UHT milk products. According to the witnesses, UHT milk products are substantially different than other fluid milk products. They indicated that fluid milk products processed at ultra high temperatures and aseptically packaged in hermetically sealed containers can be held at room temperature for long periods of time, comparable to many other grocery products. Consequently, it is expected that individual UHT products will be processed in large quantities at one time and delivered to individual buyers differently than for regular fresh fluid milk products. According to the witnesses, these latter products are generally processed, refrigerated, and distributed promptly to various sales outlets, including grocery stores, on 4 or 5 days each week. Because of the unique nature of UHT products, proponent's spokesmen testified that it is expected that UHT milk will move in rather large shipments from the UHT processing plant to central warehouses of supermarket and convenience food store chains that are located long distances from the processing plant. In this regard, the handler expects its potential distribution to be as far from the Logan, Utah, UHT plant as Florida, Washington, D.C., New Mexico, and Washington State, which would involve a number of individual Federal order markets. The proponent stated that the use of distribution channels for UHT milk that are substantially different than those used for regular fluid milk products will make it more difficult to determine the magnitude of sales in an individual market in terms of the order under which the plant should be regulated.

According to proponent's spokesmen, this situation is further complicated by the expectation that deliveries to specific marketing areas will vary widely on a monthly basis. This is because of the expected large shipments from the UHT plant to warehouses coupled with a less frequent and more irregular delivery schedule. Proponent's witnesses expressed concern that unless the order is amended to provide for a lock-in provision, the distribution patterns for UHT milk will be such that the plant could shift from order to order even on a monthly basis. Moreover, they indicated that it is possible that the plant might not qualify as a pool plant under any order and thus could be subject to partial regulation under several orders during the same month.

In proponent's view, failure to adopt its lock-in proposal would create many problems. Proponent's witnesses indicated, for example, that because of variations in Class I price levels and utilizations among Federal order markets in which the handler plans to distribute UHT products, any shift from one order to another could affect the pay prices to producers and create problems in attracting a milk supply for the plant. Also, they testified that, administratively, it would be very difficult for the handler to properly report on a monthly basis its sales of UHT milk in the various marketing areas. Furthermore, they contended that the market administrator would be required to spend substantially more time auditing the disposition of this product in order to determine the financial obligation that the plant would incur under the various orders.

At the hearing there was no opposition to the proposal. However, Western Dairymen Cooperative, Inc., (WDCI)[2], in its posthearing brief, requested that no final action be taken on Gossner's pooling proposal until after the UHT plant has been in operation for several months. The cooperative argued that this was necessary in order to determine whether the problems and difficulties envisioned by Gossner actually occur.

The record evidence indicates that the proponent's UHT plant is expected to begin processing UHT fluid milk products in early 1983. The plant will use only Grade A milk, which will be supplied mostly from dairy farms located in Utah and Idaho. The milk from some of these dairy farms already is being delivered to Gossner's cheese

[1] "UHT" milk, however, refers only to the pasteurization process that is used in producing an aseptically processed milk product. For this reason, it is more appropriate for purposes of the order provisions to refer to the products involved as aseptically processed fluid milk products rather than as UHT milk. To simplify the presentation of the findings and conclusions, however, and because of the common usage of the term "UHT", reference is made in the decision to UHT milk or milk products and UHT plant.

[2] Western Dairymen Cooperative, Inc., is a federation of cooperatives consisting of Mountain Empire Dairymen's Association, Western General Dairies, Inc., Dairymen's Cooperative Association, Lake Mead Cooperative Association, Black Hills Milk Producers Association and Ft. Collins Milk Producers Association.

plant which is located on the same premises as the UHT plant. The plant will use an aseptic processing system that will include ultra high temperature pasteurization. The resulting products, which will be "fluid milk products" as defined in the order, can be transported and stored without refrigeration for several months. The proponent testified that a realistic capacity for the initial production of this plant is 800,000 pounds per month.

Although the new plant is built, it is not yet in operation and therefore actual marketing experience is not available to draw upon in considering the issues in this proceeding. However, the proponent's planned distribution channels for UHT fluid milk products are likely to be substantially different from those currently used for the distribution of regular fluid milk products that require refrigeration. These latter products are generally distributed through frequent deliveries by distributing plants to stores.

In contrast, it is anticipated that the fluid milk products disposed of from the UHT plant will be handled in the same manner as dry goods and will be distributed through brokers and distribution warehouses. Shipments from the plant will be irregular and on a less frequent schedule. Because UHT products have a much longer shelf life, inventories may be carried longer and the span of time between when the product leaves the plant and when it is purchased by consumers is much longer. Large central warehouses may be employed to a greater extent than with ordinary fluid milk product distribution. Also, the proponent projects that UHT products will be distributed over a very wide geographical area. Consequently, proponent's plant may or may not have sufficient sales in the Great Basin order market or in any other market to qualify the plant for pooling in a particular market.

Usually, a distributing fluid milk plant that qualifies for pooling under more than one order during the same month is regulated under the order in which such plant's route distribution is the greatest. This assures that all handlers having their principal sales in a market are subject to the same pricing and other regulatory requirements. However, because of its anticipated distribution pattern, it is not likely that the proponent's UHT plant would be regulated under any particular order on a regular basis. The potential problems that could occur from such pooling uncertainties are severe enough to override the traditional basis for pooling a distributing plant.

Such switching of the regulatory status of the proponent's plant between orders would create uncertainty and would not be conducive to maintaining market stability in the Great Basin market and perhaps not in other markets. For example, the UHT plant would face uncertainty about the level of Federal order Class I prices that would be applicable at the Logan location. An exhibit introduced at the hearing demonstrates that the Class I price differential at Logan, which is $1.90 under the Great Basin order, could vary from $1.82 under the Central Arizona order to $.665 under the Puget Sound order, a range of $1.155 per hundredweight. Neither the plant nor the plant's competitors would desire any frequent shifting of the plant's regulatory status with such a varying pattern of prices. Moreover, such price changes would create serious marketing problems to the proponent in determining what price to place on the various UHT products.

Furthermore, producers who will supply such a plant also would experience uncertainty about the level and the basis of returns they would receive for their milk if the regulatory status of the plant is unstable. Prices received by producers under an order are influenced by the amount of the Class I differential, the market utilization of milk, the applicable location adjustments, and method of payment. Since these factors vary from order to order, producer prices at the Logan plant could vary considerably if the plant were to shift regulation from one order to another on the basis of sales shifts. Producers under these circumstances might find it disruptive to their operations and long-range planning to shift from one market to another.

As indicated by the record evidence, it is questionable whether the UHT plant at Logan would be able to procure an adequate milk supply if the plant were to become fully regulated under certain orders other than the Great Basin order where the proponent plans to market UHT fluid milk products. Under such circumstances, consideration must be given to regulating the plant in the market in which there is reasonable assurance that it will have available an adequate supply of producer milk. The record evidence indicates that the Gossner UHT plant can be reasonably assured of an adequate supply if it is regulated by the Great Basin order.

Accordingly, it is concluded that overall market stability will tend to be maintained and the regulatory stability of the proprietary handler's new plant (or any other such plant) will tend to be assured if the order is modified along the lines proposed.

The request made by WDCI in its post-hearing brief, which was referred to previously, to delay any action on the lock-in proposal until the new UHT plant had several months of actual operational experience is denied. WDCI's brief on this point was general in nature and did not indicate with any specificity what purpose would be served if the request was granted. To the contrary, the record clearly indicates the immediate need to provide a stable regulatory environment for new UHT plants as promptly as possible, which this decision provides.

Under the lock-in provision adopted herein, the Great Basin order would regulate the Logan UHT plant (or any other similar plant) even though it had a greater proportion of its route distribution in the marketing area of another order. However, the intent of this pooling arrangement may be in conflict with the pooling requirements of another order since the other order may not have a complementary provision which will permit the plant to be locked-in under the Great Basin order. This is because it is not possible to eliminate pooling conflicts between the provisions of the Great Basin order and other orders by amending only the Great Basin order. Thus, whenever such a pooling conflict arises, an administrative decision as to the order under which the plant shall be pooled may be necessary, depending upon the particular provisions of each order.

As noted earlier, one of the conditions of locking-in the new UHT plant at Logan, Utah, under the Great Basin order is that the principal activity at such a plant must be the processing and distribution of aseptically processed fluid milk products. This condition of pooling is intended to assure that a UHT plant would not be able to be pooled under the particular pooling provision at issue unless at least 40 percent in May–August, 45 percent in March–April and 50 percent in other months of such plant's receipts are processed and distributed as aseptically processed fluid milk products. Such a condition of pooling is reasonable in view of the potential marketing situation surrounding proponent's new UHT plant.

2. *Emergency Action.* The omission of a recommended decision was proposed at the hearing by proponent of the lock-in proposal that was discussed above under Issue No. 1. No testimony was received in opposition to emergency action. The testimony and data in the

record of this proceeding strongly indicate the need for prompt amendatory action. The evidence shows it is desirable to have an amended order effective when the new UHT plant is expected to become operational in early 1983. The normal procedures of issuing a recommended decision and providing time to file exceptions thereto will not permit the implementation of the amendments in time for them to be effective when the new plant becomes operational.

It is therefore found that due and timely execution of the Secretary's function in this proceeding imperatively and unavoidably requires omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order[1]

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Great Basin marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

December 1982 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Great Basin marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1136

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on February 8, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services

Order[2] **Amending the Order, Regulating the Handling of Milk in the Great Basin Marketing Area**

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. Section 1136.7 is revised to read as follows:

[1] Marketing Agreement filed as part of the original.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1136.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A fluid milk plant, other than a plant specified in paragraph (b) of this section, from which not less than 50 percent in any month of September through February, not less than 45 percent in any month of March and April, and not less than 40 percent in any month of May through August of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13 are disposed of as route disposition, and not less than 15 percent of such receipts are disposed of as route disposition in the marketing area.

(1) For the purpose of determining the qualification pursuant to this paragraph of a fluid milk plant pursuant to § 1136.5(a) or (b) operated by a cooperative association, producer milk which such cooperative association causes to be delivered to the pool plant of another handler or diverted therefrom shall be included with receipts of producer milk at such cooperative's plant and the quantity of such milk assigned to Class I pursuant to § 1136.45(d) shall be included as route disposition from such cooperative's plant;

(i) If such a cooperative association operates more than one fluid milk plant as defined in § 1136.5(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator; and

(ii) If no such written request is made, such producer milk and Class I milk shall be prorated among the plants; and

(2) If a handler operates more than one fluid milk plant, the combined receipts and fluid milk products disposition, except filled milk, of any such plants may be used as the basis for qualifying the respective plants pursuant to the proceding computations specified in this paragraph if a handler in writing so requests the market administrator.

(b) A fluid milk plant that meets the following conditions:

(1) The plant is located in the marketing area;

(2) The plant has route disposition, except filled milk, during any month of September through February of not less than 50 percent, during any month of March and April of not less than 45 percent and during any month of May through August of not less than 40 percent, of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13, and

(3) The principal activity of such plant is the processing and distribution of aseptically processed fluid milk products.

(c) A fluid milk plant from which during the month fluid milk products, except filled milk, equal to not less than 50 percent of the total receipts at the plant from dairy farmers meeting the inspection requirements described in § 1136.12, milk diverted pursuant to § 1136.13 by the handler operating the plant and other fluid milk products, except filled milk, qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) or (b) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant; and

(3) Any plant described in paragraph (d)(3) (i) or (ii) of this section shall be exempt from paragraph (a) or (c) of this section, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part:

(i) Any plant from which there is less route disposition, except filled milk, in the Great Basin marketing areas than in the marketing area regulated pursuant to such other order if not so subject to this part; or

(ii) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of paragraph (c) of this section.

§ 1136.76 [Amended]

2. In § 1136.76(b)(1)(iii), the reference to "§ 1136.7(b)" is changed to "§ 1136.7(c)."

[FR Doc. 83-3948 Filed 2-11-83; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 960

[Docket No. NE-RM-83-2]

Nuclear Waste Policy Act of 1982; Public Hearings on Proposed General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories

AGENCY: Energy Department.

ACTION: Notice of public hearings.

SUMMARY: This notice announces the dates and locations for public hearings to receive oral comments on proposed general guidelines for the recommendation of sites for repositories for the disposal of high-level radioactive waste and spent nuclear fuel which were published in the Federal Register on February 7, 1983 (48 FR 5670). After considering both oral and written comments from the public; consulting with the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of the U.S. Geological Survey, and interested Governors; and obtaining Nuclear Regulatory Commission concurrence, the Department of Energy will issue these guidelines in final form.

DATES: The public hearings are scheduled as follows:

1. March 2, 1983, 9:00 a.m. (local time) to 8:00 p.m., Seattle, Washington.

2. March 4, 1983, 9:00 a.m. to 8:00 p.m., Chicago, Illinois.

3. March 7, 1983, 9:00 a.m. to 8:00 p.m., New Orleans, Louisiana.

4. March 10, 1983, 9:00 a.m. to 5:00 p.m., Washington, D.C.

5. March 14, 1983, 9:00 a.m. to 8:00 p.m., Salt Lake City, Utah.

Hearings at individual locations are scheduled for one day. At DOE's discretion, where warranted by public participation, hearing duration will be extended to a second day.

Request to make an oral presentation at a hearing should be received no later than 4:30 p.m. E.S.T. on:

1. February 23, 1983 for the Seattle hearing;

2. February 24, 1983 for the Chicago hearing;

3. March 1, 1983 for the New Orleans hearing;

4. March 3, 1983 for the Washington, D.C. hearing; and,

5. March 7, 1983 for the Salt Lake City hearing:

ADDRESSES: The hearings will be held at the following locations:

1. March 2, 1983—New Federal Building (North and South Auditorium, fourth floor, Second Avenue level), 915 Second Avenue, Seattle, Washington 98174.

2. March 4, 1983—The Hotel Continental (formerly the Radison Hotel) (Tally Ho Room, ninth floor), 505 North Michigan Avenue, Chicago, Illinois 60611.

3. March 7, 1983—Hyatt Regency (Poydras A and B Meeting Room), 500 Poydras Plaza, New Orleans, Louisiana 70140.

4. March 10, 1983—Department of Energy, Forrestal Building (Auditorium, Room GE-086), 1000 Independence Avenue, SW., Washington, D.C. 20585.

5. March 14, 1983—Salt Lake Hilton Hotel (3 Seasons Room), 150 West, 500 South, Salt Lake City, Utah 84101.

Request to make an oral presentation at a hearing should be addressed to: Department of Energy, Office of Hearings and Dockets, CE-65, Mail Stop 6B-025, Room 5F-078, 1000 Independence Avenue, SW., Washington, D.C., 20585, Attention: NE-RM-83-2, Phone (202) 252-9319. A person making a request should provide a phone number at which he or she may be contacted through the day of the hearing. See Supplementary Information regarding the submission of written comments in lieu or oral statements.

The proposed guidelines (48 FR 5670, February 7, 1983) are available for inspection at the following DOE Public Reading Rooms at the indicated times Monday through Friday, except Federal holidays and where noted below:

1. DOE Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 8:00 a.m. to 4:00 p.m.

2. Albuquerque Operations Office, Kirtland Air Force Base, National Atomic Museum Library, Public Reading Room, Albuquerque, New Mexico 87115, (505) 844-8443, 9:00 a.m. to 5:00 p.m.

3. Chicago Operations Office, 175 West Jackson Blvd., Room A1136, Argonne, Illinois 60439, 8:00 a.m. to 5:00 p.m.

4. Idaho Operations Office, 550 2nd Street, Headquarters 199, Idaho Falls, Idaho 83401, (208) 526-0271, 8:00 a.m. to 5:00 p.m.

5. Nevada Operations Office, Public Docket Room, 2753 S. Highland, Las Vegas, Nevada 89114, (702) 734-3521, 8:00 a.m. to 4:30 p.m.

6. Oak Ridge Operations Office, 200 Administration Road, Room G208, Federal Building, Oak Ridge, Tennessee 37830, (615) 576-1218, 8:00 a.m. to 4:30 p.m.

7. Richland Operations Office, Hanford Science Center—Rockwell Hanford Operations, 825 Jadwin Avenue, Federal Building, Richland, Washington 99352, (509) 376-8273, Sunday 1:00 p.m. to 5:00 p.m., Monday through Saturday 9:00 to 5:00 p.m.

8. San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Reading Room, Room 240, Oakland, California 94612, (415) 273-4358, 8:30 a.m. to 4:00 p.m.

9. Savannah River Operations Office, 211 York Street, NE., Federal Building, Aiken, South Carolina 29801 (803) 725-3267, 8:30 a.m. to 4:00 p.m.

10. Southeastern Power Administration, Samuel Elbert Building, Public Square, Elberton, Georgia 30635, (404) 283-3261, call for times.

11. Southwestern Power Administration, 333 W. 4th Street, Room 3408, Tulsa, Oklahoma 74101, (918) 581-7426, 8:00 a.m. to 4:30 p.m.

12. Western Area Power Administration, 1627 Cole Blvd., Western Headquarters Reading Room, Golden, Colorado 80401, (303) 231-1557, 8:00 a.m. to 4:00 p.m.

Individual copies of the proposed guidelines are available upon request from the Office of Hearings and Dockets cited above.

FOR FURTHER INFORMATION CONTACT:

Critz H. George, Division of Waste Repository Deployment, Office of Terminal Waste Disposal and Remedial Action, U.S. Department of Energy, Washington, D.C. 20545, Telephone: (301) 353-3014

Robert Mussler, Esq., Deputy Assistant General Counsel for Environment, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: (202) 252-6947

SUPPLEMENTARY INFORMATION:

A. Background

On January 7, 1983, the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425) was signed into law. The Act establishes a process and schedule for the development of nuclear waste repositories. The guidelines which are to be the subject of the hearings announced in this Notice are a required part of that process. Section 112(a) of the Act requires the Secretary of Energy, not later than 180 days after the date of the enactment of the Act, to issue general guidelines for the recommendation of sites for repositories. These guidelines will be used to identify and nominate sites for characterization and eventually to determine the suitability of a site for development as a repository.

DOE proposes, pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), the Energy Reorganization Act of 1974 (42 U.S.C 5801 *et seq.*), the Department of Energy Organization Act of 1977 (42 U.S.C. 7101 *et seq.*), and the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425, 96 Stat. 2201), to amend Chapter III of Title 10 of the Code of Federal Regulations by adding a new Part 960 to contain these guidelines.

B. Hearing Procedures

The time and location of the public hearings are given above. DOE invites any person who has an interest in the proposed guidelines, or who is a representative of a group or class of persons that has an interest in the proposed guidelines, to make a written request to make an oral presentation. Such a request should be directed to the address given in the Addresses section above. At each of the specific hearings, as time permits, persons who have not made prior arrangements will be invited to make oral presentations.

A person scheduled to appear at any of the hearings will be amply notified by DOE of his or her participation. To ensure that as many as possible interested parties be given the opportunity to present oral comments, the length of each presentation will be limited to no more than 15 minutes, and may be further limited for a particular hearing depending upon the number of persons requesting to be heard.

Each person scheduled to appear at a specific hearing should bring, if possible, at least seven copies of his or her statement to the hearing site. In the event any person wishing to testify cannot meet this requirement, alternative arrangements can be made in advance of the hearing by so indicating in the letter/telephone call requesting to make an oral presentation.

DOE reserves the right to limit the number of persons to be heard at a specific hearing, to schedule their presentations, and to establish the procedures governing the conduct of the hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements during the hearings. Any participant who wishes to ask a question at a hearing may submit the question, in writing, at the registration desk. The presiding

officer will evaluate the question's relevance and will determine whether the time limitations permit it to be presented for response. The presiding officer will announce any further procedural rules needed for the proper conduct of each hearing.

A transcript of each hearing will be made, and the entire record of each hearing, including the transcript, will be retained by DOE and made available for inspection at the Washington, D.C. DOE Public Reading Room. Any person may purchase individual copies of the transcripts from the reporter(s).

C. Written Comments

DOE will be considering both oral and written comments regarding the guidelines. The opportunity to provide written comments pertaining to the proposed guidelines is afforded by a public comment period which ends on March 24, 1983 (48 FR 5670, February 7, 1983). To ensure consideration, all written comments must be received by 4:30 p.m. E.S.T. March 24, 1983. Written comments should be sent to Robert L. Morgan, Project Director, Nuclear Waste Policy Act Project Office, Department of Energy, Room 7B-084, 1000 Independence Avenue, SW., Washington, D.C. 20585.

All written comments received will be available for public inspection in the Washington, D.C. DOE Reading Room. Any information considered by the person furnishing it to be confidential must be so identified. DOE reserves the right to determine the confidential status of information or data and to treat it accordingly.

Issued at Washington, D.C. on Feburary 9, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 83-3992 Filed 2-11-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ACE-21]

Transition Area; Eagle Grove, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Eagle Grove, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Eagle Grove, Iowa, Airport utilizing the Fort Dodge VORTAC as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATE: Comments must be received on or before March 21, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Eagle Grove, Iowa. To enhance airport usage, a new instrument approach procedure is being developed for the Eagle Grove, Iowa, Airport utilizing the Fort Dodge VORTAC as a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Eagle Grove, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by designating the following transition area:

Eagle Grove, Iowa

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Eagle Grove, Iowa Airport (Latitude 42°42′35″ N, longitude 93°54′49″ W), and 2½ miles either side of the Fort Dodge, Iowa VOR 071° radial exending from the 5 mile radius area to 6 miles southwest of the airport excluding that airspace within the Clarion, Iowa, transition area.

(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 Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65).

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

a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on February 1, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-3867 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

23 CFR Part 650

[FHWA Docket No. 83-1]

Bridges, Structures, and Hydraulics; Concrete Bridge Decks

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is requesting comments on proposed revisions to its regulation which prescribes policies and procedures for the construction and reconstruction of concrete bridge decks. The revised regulation would allow States the flexibility to select a protective system and reconstruction method to protect a bridge deck from chemical corrosion based on local conditions and experience. The proposed revisions would also eliminate unnecessary and duplicative requirements as well as reduce the existing regulation in length and detail in order to facilitate project compliance. The existing provision which provides for the inclusion of a protective system as an eligible item for Interstate construction funds is deleted to conform with recently enacted statutory requirements.

DATE: Comments must be received on or before April 15, 1983.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 83-1, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas A. Bernard, Chief, Demonstration Projects Division, Office of Engineering and Operations, (202)426-0438, or Mr. Michael Laska, Office of the Chief Counsel, (202) 426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET Monday through Friday.

SUPPLEMENTARY INFORMATION: A significant factor contributing to the deterioration of the Nation's highway bridges is the corrosion of bridge deck reinforcing steel induced by deicing chemicals and seawater. It was not until the early 1970's that a direct relationship was established between the application of salt and the corrosion of reinforcing steel (rebars) embedded in bridge deck concrete. In order to address this problem and to protect the Federal investment of highway bridges, the Federal Highway Administration (FHWA) issued the current regulations which are set forth in 23 CFR Part 650, Subpart F. The regulations prescribe policies and procedures for the construction and reconstruction of concrete bridge decks with special emphasis on the requirement of installing a protective system designed to protect concrete bridge decks that are likely to be subject to potentially damaging applications of deicing salts.

Since it was not until the early 1970's that the association was made between deicing salts and bridge deck corrosion, the development and testing of protective system techniques and materials has a relatively short history. Particularly in 1976, when the current regulations were issued, protective systems had not been in place long enough to conclusively observe consistent patterns of effective performance. As a result, the current regulations provided restrictive policies and procedures which reflected the uncertainty of available technical information.

The current regulations specify procedures for acceptable permanent reconstruction and for experimental cost-effective reconstruction. Acceptable permanent reconstruction requires the removal and replacement of all contaminated concrete and deteriorated areas while experimental reconstruction does not require the removal of all contaminated concrete if deterioration could be contained. Although current regulations and policies do not exclude any particular protective system or reconstruction procedure from use on a Federal-aid project, it does provide preferential treatment to certain protective systems and reconstruction procedures because of the extensive evaluation and documentation required for experimental installations. Acceptable protective systems are specified in the regulations for new decks and deck replacements, and include epoxy-coated rebars, low water-cement ratio, dense concrete (Iowa System), latex-modified concrete, membranes, and cathodic protection.

The FHWA, is reviewing the current regulations, has taken into account many considerations. First of all, the review considered the state-of-the-art of protective systems as reflected by the increasing amount of research and field performance data available from many sources.

In addition, the comments received in response to an FHWA notice on the galvanizing rebar policy (46 FR 39073, 7/30/81) were analyzed as a representation of interested parties, particularly by State highway agencies who are charged with program compliance. Within this context, the current regulations were also reviewed with the purpose of reducing redtape and eliminating unnecessary requirements whenever appropriate. Particular attention was given to decision making areas which could be delegated to the States if warranted. Although regulation reduction, State flexibility, and construction cost reduction were purposes desired, any proposed revision would also have to ensure the construction or reconstruction of a structurally sound bridge deck in order to protect the Federal investment in the Nation's highway bridges. The following proposed revisions reflect the results of this review.

Summary of Revisions

Although a number of revisions are being proposed, there are three which are considered significant with regard to bridge deck construction and reconstruction.

The first major revision concerns the provisions which require the installation of a protective system for bridge decks which are likely to be subject to a salt environment. The proposed revisions would retain this requirement, but the list of suggested protective systems in Appendix A to Subpart F would be deleted in its entirety. This proposed action along with the rescission of FHWA Notice N5140.21 (1/5/83) (experimental installations of galvanized rebars as a protective system), if implemented would in effect allow the States the flexibility to select a protective system based on local conditions and experience.

The determination to propose this deletion is based on many factors. There is currently a vast quantity of information on the various protective systems available to the States through

technical journals, trade organizations, the FHWA, and other sources. Much of this information has become available since the FHWA issued current policies and procedures in 1976.

An analysis of research performed to date indicates a lack of a consensus regarding the effectiveness of certain protective systems. In determining life cycle costs, factors such as: The relatively short terms protective systems have been in place; the varying applications of deicing salts from State to State; the differing material and installation costs; the lack of a standard procedure for programming bridge deck maintenance and rehabilitation; and the cost to motorists associated with traffic disruption all contribute to the difficulty of recommending on a national level preferred protective systems. While even the most recent research findings are not conclusive, they do offer a broad base of information upon which States can determine which protective system is most cost-effective in specific situations. Furthermore, States have gained a great deal of experience in installing the various approved and experimental systems and many States have adopted their own policies with regard to bridge deck protection. Thus the States have a considerable base of both research and experience upon which to base their decisions.

Since the State interest in bridge decks is compatible with the Federal interest as far as sharing costs, financing maintenance, and contending with traffic disruption caused by deteriorating bridge decks, the FHWA believes that the States are capable of and will in fact make prudent engineering decisions concerning bridge deck protective systems. Not only does the proposed revision allow the Federal interest in cost-effective bridge deck protection to be met with less involvement in the State decision-making process, but also allows competitive markets to function in a manner which could reduce construction costs.

It is important to note that the FHWA will retain some control over the installation of protective systems. If the performance and cost-effectiveness of a chosen protective system cannot be adequately demonstrated to the FHWA reviewing officials, approval can be subject to experimental conditions.

Another major revision concerns the provisions which require specific bridge deck reconstruction procedures as set forth in § 650.607 of the existing regulation. Procedures presently in effect require the removal of all delaminated concrete, highly chloride contaminated concrete, and deteriorated concrete and rebars in areas of active corrosion in order for reconstruction to be considered permanent and non-experimental. On the other hand, any reconstruction method which allows salt contaminated concrete to be left in place has to be considered experimental. The proposed revision would eliminate the strict provision requiring removal of all contaminated bridge deck elements (concrete, rebars, etc.) for permanent reconstruction, as well as delete the provisions detailing experimental reconstruction procedures. Reconstruction procedures would be rewritten to reflect the deletions and would generally require that all contruction, reconstruction, and rehabilitation of bridge decks be performed in accordance with design standards and specifications as approved by the FHWA for application on Federal-aid projects and set forth in 23 CFR Part 625. This requirement exists for initial construction of bridge decks in the current regulation and would be retained and extended to bridge reconstruction and rehabilitation. This proposed revision would allow the States the flexibility to select a protective system and reconstruction method based on local experience and conditions without complying with restrictive and out-dated requirements. Subject to approval by the FHWA, the reconstruction method chosen by the States will be considered acceptable and permanent.

The rationale for proposing this revision parallels the reasons for allowing a State to select a protective system. Due to the limited amount of research data available and the experimental status of many reconstruction materials and methods, restrictive reconstruction procedures were necessary in 1976 to assure the structural integrity of bridge decks as will as to promote the collection of research data on an experimental basis. The restrictive reconstruction procedures are no longer considered necessary. Certain protective systems and the accompanying reconstruction methods can be demonstrated to be effective without the removal of all contaminated concrete and rebars under certain conditions. With access to a vast quantity of reconstruction data and with experience gained from actual bridge reconstruction, the States are in a position to select and justify an appropriate reconstruction method.

The last major revision proposed concerns the eligibility of the cost of the installation of a protective system for Interstate construction funds pursuant to section 108(b) of the Federal-Aid Highway Act of 1956. If the installation of a protection system is required and had not been contemplated during the initial construction phase, then the cost thereof was considered an additional stage of construction and thus eligible for Interstate construction funds pursuant to §§ 650.603(a) and 650.11. However, section 4(b) of the Federal-Aid Highway Act of 1981 redefined eligible items for Interstate construction funds. The installation of a protective system, not contemplated when the bridge was intially constructed, is no longer eligible for Interstate construction funds. For this reason, the provisions relating to the eligibility of an additional stage of construction are deleted in their entirety. The installation costs will be eligible for Federal-aid participation under any other appropriate funding category.

In addition to the proposed major revisions, the FHWA is also proposing to make a number of other changes to Subpart F. The proposed regulation would be reduced in length and detail by deleting unnecessary and duplicative requirements. The proposed language would also be clarified to reflect updated terminology so as to permit an easier understanding of compliance procedures.

The current provision in § 650.613, which requires existing protective systems that are proven effective based on field experience and/or laboratory research to be reported under the National Experimental and Evaluation Program conducted by FHWA would be deleted. As a result of the experience gained and the research data reported, there is no longer a need for this requirement. However, projects which are currently under evaluation should continue to be reported. Those protective systems which cannot be demonstrated to be cost-effective will be approved only under the FHWA Experimental and Evaluation Program.

The current requirements for concrete which are included in § 650.605 would be deleted to eliminate duplicative requirements. The concrete requirements included in this section are also specified in the design standards and specifications for Federal-aid highways and bridges as set forth in 23 CFR Part 625.

The final revision would clarify the terminology used in the existing regulation to reflect current statutory language. The terms "construction," "additional stage of construction," and "reconstruction" would be replaced by the terms "construction," "reconstruction" and "rehabilitation." The new terms would be redefined to conform with current statutory

definitions included in the Highway Bridge Replacement and Rehabilitation Program (23 U.S.C. 144), the Interstate Resurfacing, Restoration, Rehabilitation, and Reconstruction Program (23 U.S.C. 119), as well as the Interstate construction redefinition pursuant to section 4(b) of the Federal-Aid Highway Act of 1981.

Regulatory Impact

It is anticipated that the proposed revisions would have a positive economic impact by eliminating certain requirements, simplifying compliance language and providing increased flexibility to the States. Potential benefits would include: savings in the cost of bridge deck protection due to a more competitive market; savings associated with States not having to install systems on an experimental basis which have been proven effective; and increased business for suppliers of products determined to be most cost-effective in a deregulated market. While such benefits are not expected to be large they would outweigh the costs of allowing greater flexibility which potentially include somewhat higher administrative costs associated with seeking approval for systems that have not been preapproved by regulation. It is also unlikely that States would make significant changes in their selection of protective systems and reconstruction techniques if the proposed revisions are implemented. Federal-aid eligibility requirements would only be changed to the extent that statutory provisions mandate. A more detailed assessment of regulatory impacts are included in a draft regulatory evaluation (initial regulatory flexbility analysis) which has been prepared and is available for inspection in the public docket. A copy may be obtained by contacting Mr. Douglas A. Bernard at the address provided above under the heading "For Further Information Contact."

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. Those desiring to comment on this rulemaking action are requested to submit their comments to the docket at the above address. Comments are specifically requested on whether such action would have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing and under the authority of 23 U.S.C. 109(a), 144, and 315; 49 CFR 1.48(b), the FHWA proposes to revise Part 650, Subpart F of title 23, Code of Federal Regulations as set forth below.

List of Subjects in 23 CFR Part 650

Bridges, Grant programs—transportation, Highways and roads.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: February 8, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

Subpart F—Concrete Bridge Decks

Sec.
650.601 Purpose.
650.603 Definitions.
650.605 Construction, reconstruction and rehabilitation.
650.607 Maintenance.
650.609 Protective System.

Authority: 23 U.S.C. 109(a), 144, 315; 49 CFR 1.48(b).

Subpart F—Concrete Bridge Decks

§ 650.601 Purpose.

The purpose of this subject is to prescribe policies and procedures for the construction, rehabilitation and reconstruction of concrete bridge decks with special emphasis on protective systems within the existing controls on the expenditures of Federal-aid funds.

§ 650.603 Definitions.

(a) *Construction* means the initial construction of any specific bridge deck.

(b) *Maintenance* means routine or incidental work that generally restores the condition of the riding surface and does not significantly increase the structural and/or durability characteristics of the original deck.

(c) *Protective system* means a system used to protect bridge decks from early deterioration due to reinforcing steel corrosion induced by highway deicing chemicals or seawater environment.

(d) *Reconstruction* means the restoration of the structural integrity of a concrete bridge deck by complete removal and replacement of the existing deteriorated bridge deck.

(e) *Rehabilitation* means the major work necessary to restore the structural integrity of portions of the original bridge deck which are deteriorated as well as work necessary to correct major safety defects. Rehabilitation may include, where necessary, complete removal and replacement of deteriorated components of the existing bridge deck.

§ 650.605 Construction, reconstruction and rehabilitation.

The following policies are established for all bridge decks to be constructed, rehabilitated or reconstructed with Federal-aid funds.

(a) *Standard specifications.* States shall adopt design specifications and procedures equal to or better than those specified in Standard Specifications for Highway Bridges.[1]

(b) *Protective system.* When a bridge deck is likely to be subjected to potentially damaging applications of deicing salts or to be exposed to a seawater environment, a protective system is required.

(1) Approval of the type of protective system is made in accordance with the provisions of § 650.609.

(2) The installation of a protective system is eligible for Federal-aid funds from the appropriate category.

(3) The installation of a protective system in an unprotected bridge deck is eligible for Federal-aid funds from the appropriate category, even if rehabilitation of the existing bridge deck is not required.

(c) *Eligible work.* Reconstruction and rehabilitation procedures necessary to assure acceptable performance of existing structures are set forth below and are eligible for Federal-aid participation from the appropriate category. Reconstruction and rehabilitation work shall include all concrete deck restoration work required to assure satisfactory performance of the concrete deck. This may include items such as the removal of existing overlays, removal and placement of all deteriorated reinforcing steel, or the complete removal and replacement of the entire bridge deck if necessary.

(1) This work may also include removal and replacement of deteriorated concrete curbs, sidewalks, parapets, as well as rail, deck joints, bearings, or similar incidental items which are associated with proper functional restoration of the structure.

(2) Consistent with 23 CFR Part 924, safety improvements may be undertaken with the above described work, when such improvements eliminate an established hazardous condition. Such safety improvements may include

[1] This publication establishes standards and specifications for Federal-aid projects. It is incorporated by reference at 23 CFR 625.3.

widening, elimination of hazardous walks and substandard railing systems, removal of hazardous fixed objects or installation of energy absorbing barrier system, and any other features that are consistent with current safety standards.

§ 650.607 Maintenance.

The following policies are established for the use of Federal-aid funds as related to maintenance activities.

(a) Maintenance work is considered an obligation of the State and is not eligible for Federal-aid funding;

(b) Spot patching of a bridge deck is maintenance unless it is done as work incidental to the rehabilitation or reconstruction of the concrete bridge deck;

(c) The resurfacing of a bridge deck is considered maintenance when such work only restores the general condition of the riding surface and does not significantly increase the structural and/or durability characteristics of the original deck.

§ 650.609 Protective system.

In view of the recognized need for protective systems the following policies have been established for Federal-aid participation.

(a) The contract, plans and specifications (PS&E) for the construction, rehabilitation and/or reconstruction of all concrete bridge decks that are likely to be subjected to potentially damaging applications of deicing salts or seawater environment shall provide for a protective system that will effectively prevent chloride induced deterioration.

(b) Federal-aid approval. Approval of the protective system will be required as part of the approval of the Federal-aid construction, reconstruction, or rehabilitation project.

(1) Protective systems which, based on field experience and/or laboratory research, have not been demonstrated to be cost effective must be considered experimental. These systems are to be surveyed and evaluated on an experimental basis under the Federal Highway Administration (FHWA) experimental program.

(2) Proprietary products when used as a bridge deck protective system must be used in accordance with Federal regulations on the use of proprietary products.

[FR Doc. 83-3904 Filed 2-11-83; 8:45 am]
BILLING CODE 4910-22-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2643

Variances for Sale of Assets; Variance of the Statutory Standards

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed regulation prescribes variances from two of the requirements under section 4204 of the Employee Retirement Income Security Act, relating to a sale of assets by an employer that contributes to a multiemployer pension plan. Under section 4204, the sale of its assets by a contributing employer to an unrelated party will not be considered a withdrawal from the plan if certain conditions are met. Among other things, the purchaser must post a bond or place an amount in escrow, and the contract of sale between the seller and purchaser must provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws from the plan and does not pay its withdrawal liability. Section 4204(c) authorizes the Pension Benefit Guaranty Corporation to vary the bond/escrow and sale-contract requirements by regulation.

The effect of this proposed regulation, if adopted, would be to prescribe variances to these statutory requirements.

DATES: Comments should be received on or before April 15, 1983.

ADDRESSES: Comments should be addressed to the Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Written comments will be available for public inspection at the PBGC, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

The Statute

Section 4204 of Employee Retirement Income Security Act, as amended ("ERISA"), 29 U.S.C. 1384, provides that a cessation of the obligation to contribute or a cessation of covered operations resulting from the bona fide, arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan with respect to the purchased operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount into escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred (the amount of this bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contribution when due to the plan within the first five plan years beginning after the sale. Any amount held in escrow must be refunded (or the bond cancelled) if the purchaser does not withdraw within the five-year period and has made all contributions to the plan on a timely basis.

It is the responsibility of the plan sponsor to determine whether the requirements of section 4204 have been satisfied in a particular case. Typically, when an employer permanently ceases covered operations or permanently ceases to have an obligation to contribute to a multiemployer plan, whether through a sale of assets or otherwise, the plan sponsor will, pursuant to section 4219 of ERISA, assess withdrawal liability against the employer. An employer who ceases covered operations or permanently ceases to have an obligation to contribute because of a sale of assets may assert that the sale met the requirements of section 4204, and therefore that no withdrawal has occurred. Since it is the responsibility of the plan sponsor to determine whether a withdrawal has occurred, the plan sponsor must determine in this situation whether the conditions of section 4204 have been satisfied.

As noted above, section 4204 applies only to a bona fide, arm's-length sale between two "unrelated parties." Therefore, a cessation of contributions resulting from a sale of assets involving related parties may constitute a withdrawal under Title IV. Section 4204(d) of ERISA provides that a purchaser and seller are "unrelated parties" if they do not "bear a relationship * * * described in section 267(b)" of the Internal Revenue Code of 1954, as amended.

Section 4204(b)(1) of ERISA contains a special rule for computing the withdrawal liability of a purchaser involved in a sale of assets covered under section 4204(a). Under this special rule, the purchaser assumes the contribution record of the seller for the plan year in which the sale occurs and for the preceding four plan years. As a result, if the purchaser were subsequently to withdraw, its withdrawal liability may be based in part on the liability that the seller would have incurred had the purchase not come within the purview of section 4204. This assumption occurs as a matter of law if section 4204 applies, whether or not the contract between the purchaser and the seller specifically provides for such an assumption.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to vary the bond/escrow and sale-contract requirements by regulation if the variance would "more effectively or equitably carry out the purposes of [Title IV]." PBGC is also authorized by ERISA section 4204(c) to grant individual or class variances or exemptions from those requirements when warranted. Congress intended to grant broad authority to the PBGC to administer the sales rules in a manner that assures protection of multiemployer plans with the least practicable intrusion into normal business transactions.[1] (It is noted that a variance of or exemption from the sale-contract requirement is not a waiver of the seller's secondary liability under section 4204(a)(2) of ERISA.)

Pursuant to that authority, on August 10, 1982 (at 47 FR 34662), PBGC issued a class exemption from the bone/escrow and sale-contract requirements for all sales of assets consummated prior to January 1, 1981, but on or after the effective date of Part 1, Subtitle E of Title IV of ERISA, where each of the parties provides written notification to the affected plan of the party's intention to have the transaction governed by section 4204. By its action today, PBGC is proposing the establishing of other general exemptions from the bond/escrow and sale-contract requirements under certain conditions. This proposed regulation, if adopted, would amend and supplement 29 CFR Part 2643, which sets forth procedural rules under which interested parties can request the PBGC to grant individual variances or class exemptions pursuant to section 4204(c).

The Proposed Regulation

Section 2643 of the proposed regulation restates the statutory requirements on the purchaser's bond/escrow and the sale-contract provision.[2] Section 2643.12 would provide variances from the bond/escrow and sale-contract requirements if certain conditions and criteria are met. Under § 2643.12(a), the parties to a sale must inform the plan in writing of their intention to be covered by section 4204 of ERISA. In this way, both the seller and purchaser expressly consent to the various responsibilities they assume by operation of law. For example, if section 4204 applies, the seller assumes a secondary liability under section 4204(a)(2), and the purchaser assumes a portion of the seller's withdrawal liability under section 4204(b). One purpose of the sale-contract requirement is to require an affirmative action by the parties in order to trigger section 4204. Therefore, the requirement of a joint notice of intention minimizes the need for the sale-contract provision.

In addition, a sale must meet any one of three criteria described in § 2643.12(b) in order to qualify for a variance. The first criterion, set forth in § 2643.12(b)(1) of the proposed regulation, is that the amount of the bond does not exceed the lesser of $250,000 or 2 percent of the average total annual contributions paid to the plan by all employers in the three plan years preceding the sale. The intent of this criterion is to eliminate the bond requirement for those transactions where the seller's leaving the plan does not have a significant impact on the plan. Because 2 percent of the contributions in a large plan could be a very large amount, PBGC also decided to impose a $250,000 limit on the amount of the bond, as a condition for qualifying for the variance.

There are two additional situations which the PBGC believes justify a variance. The first of these is when the purchaser's net income indicates an ability to pay required contributions to the plan. Therefore, § 2643.12(b)(2) of the proposed regulation provides for a variance when the purchaser's average net income after taxes for its three most recent fiscal years before the sale (reduced by any interest expense incurred with respect to the sale, payable in the fiscal year following the sale) equals or exceeds 150 percent of the amount of the bond/escrow. Secondly, there would be a variance when the purchaser's net tangible assets indicate an ability to pay its potential withdrawal liability. Thus, § 2643.12(b)(3) provides for a variance when the purchaser's net tangible assets, as of the end of the fiscal year preceding the sale, equal or exceed either: (1) If the purchaser was not obligated to contribute to the plan prior to the sale, the amount of unfunded vested benefits allocable to the seller under section 4211 of ERISA, determined as of the date of the sale of assets; or (2) if the purchaser was a contributing employer to the plan prior to the sale, the sum of the purchaser's and the seller's allocable share of unfunded vested benefits under section 4211, each determined as of the date of the sale.

The primary consideration in varying the bond requirement is the purchaser's ability to make annual contributions to the plan. A good indication of that ability is the purchaser's income, which is the subject of the test under paragraph (b)(2). If the purchaser is unable to qualify for the variance under that provision, a variance still may be appropriate if the purchaser appears able to pay the withdrawal liability it would incur should it withdraw from the plan. Thus, paragraph (b)(3) measures that ability by comparing the purchaser's net tangible assets to an approximation of its potential withdrawal liability. In this way, the rule would afford relief to purchasers who may have a low net income, but whose assets are adequate to pay potential withdrawal liability.

The regulation uses the seller's or the purchaser's allocable share of unfunded vested benefits under section 4211 as an approximation for the purchaser's withdrawal liability. In some instances, the purchaser's withdrawal liability may be less than the seller's or its own allocable amount under section 4211. However, the purchaser's withdrawal liability will not be known at the time of the sale, and it could be costly and time-consuming to compute it. Therefore the section 4211 amount is used as an approximation of the purchaser's withdrawal liability. When the

[1] Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Consideration, 16 (Comm. Print, April 1980); 126 Cong. Rec. S10117 (daily ed. July 29, 1980) (Joint Explanation of S. 1076).

[2] ERISA section 4204 does not apply to a plan described in section 404(c) of the Internal Revenue Code, or a continuation thereof, unless the plan is amended to that effect (ERISA section 4211(d)(2)).

purchaser was not a contributing employer under the plan prior to the sale, the seller's section 4211 amount must be used, since a section 4211 amount could not be computed for the purchaser.

The terms, "net income after taxes" and "net tangible assets", are defined in § 2643.12(c). "Net tangible assets" means unencumbered tangible assets (other than licenses, copyrights, trade names, trademarks, goodwill, experimental or organizational expenses, unamortized debt discounts and expenses and all other intangible assets) less liabilities. "Net income after taxes" is revenue minus expenses after taxes, and does not include extraordinary and non-recurring income or expenses, such as income from a sale of operations or expenses resulting from an adverse court judgment. This proposed rule uses net income after taxes because PBGC has tentatively decided that after tax net income is a more appropriate indicator of an employer's ability to make ongoing contributions to a plan than is net income before taxes. However, PBGC specifically requests comments on the issue of whether the net income test should be based on net income before or after taxes.

PBGC is aware that there may be situations other than those described in § 2643.12(b) where a variance of the purchaser's bond/escrow and the sale-contract requirements would more effectively or equitably carry out the purposes of Title IV of ERISA. Accordingly, § 264.13 provides that, when none of the criteria set forth in § 2643.12(b) are met, a party may apply to the PBGC for a variance pursuant to Subpart A. Only those variance requests which are not premised upon satisfaction of any of the criteria established in § 2643.12(b) will be considered by the PBGC. The question of whether a particular transaction satisfies the criteria set forth in § 2643.12 (a) and (b) is to be decided in the first instance by the plan sponsor. Disputes over the plan sponsor's determination are to be resolved by the parties to the sale and the plan sponsor under section 4221 of ERISA.

The regulation also proposes to amend Subpart A of Part 2643 (46 FR 46127 (1981)), which establishes procedures whereby a party involved in a sale of assets can apply to the PBGC for a variance or exemption from the statutory requirements. Under the proposed amendments to §§ 2643.1 and 2643.2(a), a variance request can be made to the PBGC only if it is based on grounds other than satisfaction of any of the criteria described in § 2643.12(b). This change is needed in order to make those sections consistent with proposed § 2643.13.

Thus, if a particular transaction does not meet any of the criteria in § 2643.12(b), but the parties believe they can nevertheless demonstrate that an exemption is warranted because it would more effectively or equitably carry out the purposes of Title IV and would not significantly increase the risk of loss to the plan, they may request an exemption from PBGC. In support of that conclusion, the parties would have to provide specific financial or other information as part of the variance request. PBGC proposes to add this requirement to § 2643.2(d)(6). Because the information would have to be tailored to the specific grounds for the requested exemption, PBGC also proposes to amend §2643.2(d) to delete the present requirement in paragraph (d)(7) for submission of the purchaser's financial statements for the three fiscal years preceding the sale.

The PBGC has determined that this proposed regulation is not a "major rule" under section 3(b) of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices; or adversely effect competition, employment, investment, productivity or innovation in United States-based enterprises.

Further, the regulation would, if adopted, reduce certain financial and administrative burdens on employers involved in sales that are subject to section 4204 of ERISA without exposing plans to any significant risk of financial loss. Variances under this regulation will eliminate unnecessary burdens on normal business transactions, reduce the costs of doing business, and will free assets that would otherwise be used to post the bond or escrow.

Under section 605(b) of the Regulatory Flexibility Act of 1980, the Pension Benefit Guaranty Corporation hereby certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This regulation will not have a significant economic impact because, as previously discussed, it will relieve financial and administrative burdens that would otherwise be imposed by force of law on small businesses contributing to multiemployer plans. Therefore, pursuant to the above certification, compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

Comments

Interested parties are invited to submit comments on this proposed regulation. Comments should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Written comments will be available for public inspection at Room 7100 at the above address between the hours of 9:00 a.m. and 4:00 p.m. Each person submitting comments should include his or her name and address, identify this proposed regulation, and give reasons for any recommendation. This proposal may be changed in light of the comments received.

In developing this proposed regulation, PBGC solicited comments from knowledgeable individuals outside the corporation. Copies of these comments are available for public inspection at the above address.

List of Subjects in 29 CFR Part 2643

Employee benefit plans, pensions.

PART 2643—[AMENDED]

In consideration of the foregoing, it is proposed to amend Part 2643 of Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations as follows:

1. In § 2643.1, paragraph (a) and (b) are revised to read as follows:

§ 2643.1 Purpose and scope.

(a) *Purpose.* The purpose of this subpart is to establish procedures under which a seller or purchaser may request the PBGC to grant individual or class variances or exemptions from the requirements of section 4204(a)(1) (B) and (C) of the Act for transactions which do not satisfy any of the criteria in § 2643.12(b) of this part.

(b) *Scope.* Except as provided in paragraph (c) of this section, this subpart applies to any sale of assets occuring after April 28, 1980 (May 2, 1979 for certain employers in the seagoing industry), which is a sale described in section 4204(a)(1) of the Act, if the sale does not satisfy any of the criteria in § 2643.12(b) of this part.

* * * * *

2. In § 2643.2, paragraphs (a) and (d)(6) are revised paragraph (d)(7) is removed, and paragraphs (d)(8)–(d)(10) are re-numbered paragraphs (d)(7)–(d)(9), as follows:

§ 2643.2 Requests to PBGC for variances and exemptions.

(a) *General.* If a transaction covered by this part does not satisfy any of the criteria in § 2643.12(b), the purchaser or

seller may request from the PBGC an exemption or variance from the requirements of section 4204(a)(1) (B) and (C) of the Act.

* * * * *

(d)* * *

(6) A statement explaining why the requested variance or exemption would not significantly increase the risk of financial loss to the plan, including evidenced, financial or otherwise, that supports that conclusion.

* * * * *

3. Part 2643 is amended by adding a new Subpart B at the end as follows:

Subpart B—Variance of the Statutory Requirements

Sec.
2643.10 Purpose and scope.
2643.11 General statutory rules.
2643.12 Variance of the bond/escrow and sale-contract requirements.
2643.13 Variances based on other criteria.

Subpart B—Variance of the Statutory Requirements

§ 2643.10 Purpose and scope.

(a) *Purpose.* The purpose of this subpart is to provide variances and exemptions from the requirements of section 4204(a)(1) (B) and (C) of the Act for certain sales of assets by employers that contribute to multiemployer plans.

(b) *Scope.* Except as provided in paragraph (c) of this section, this subpart applies to any sale of assets occurring after April 28, 1980 (May 2, 1979 for certain employers in the seagoing industry), which is a sale described in section 4204(a)(1) of the Act.

(c) *Special rule.* Unless the plan is amended to provide otherwise, this subpart does not apply to a sale of assets involving operations for which an employer is obligated to contribute to a plan described in section 404(c) of the Internal Revenue Code of 1954, as amended (a plan established prior to January 1, 1954 as a result of an agreement between employer representatives and the United States during a period of government operation, under seizure of powers, of a major part of the productive facilities of an industry), or a continuation of such a plan.

§ 2643.11 General statutory rules.

Under section 4204(a) of the Act, a seller that ceases covered operations or ceases to have an obligation to contribute for such operations because of a bona fide, arm's-length sale of assets to an unrelated purchaser does not incur withdrawal liability if certain conditions are met. One condition, set forth in section 4204(a)(1)(C), is that the contract of sale between the seller and the purchaser provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws from the plan within five years after the sale and does not pay its withdrawal liability. Another condition, set forth in section 4204(a)(1)(B), is that the purchaser post, for a period of 5 plan years following the sale, a bond or an amount in escrow equal to the greater of—

(A) The average annual contribution that the seller was required to make to the plan with respect to the operations for the three plan years preceding the plan year in which the sale of assets occurs (section 4204(a)(1)(B)(i)); or

(b) The annual contribution that the seller was required to make to the plan with respect to the operations for the last plan year before the plan year in which the sale of assets occurs (section 4204(a)(1)(B)(ii)).

The amount of the bond or escrow required under section 4204(a)(1)(B) is doubled if the plan is in reorganization (section 4204(b)(2)).

§ 2643.12 Variance of the bond/escrow and sale-contract requirements.

(a) *General rule.* A purchaser's bond or escrow under section 4204(a)(1)(B) of the Act and the sale-contract provision under section 4204(a)(1)(C) are not required, if the parties to the sale inform the plan in writing of their intention that the sale be covered by section 4204 of the Act and at least one of the criteria contained in paragraph (b) of this section is satisfied.

(b) *Criteria for variance.* A purchaser's bond or escrow under section 4204(a)(1)(B) of the Act and the sale-contract provision under section 4204(a)(1)(C) are not required, if—

(1) The amount of the bond or escrow does not exceed the lesser of $250,000 or 2 percent of the average total annual contributions made by all employers that had an obligation to contribute to the plan for the 3 plan years preceding the plan year in which the sale occurs;

(2) The purchaser's average net income after taxes, as defined in paragraph (c) of this section, for its three most recent fiscal years ending before the date of sale, reduced by any interest expense incurred with respect to the sale which is payable in the fiscal year following the sale, equals or exceeds 150 percent of the amount of the bond or escrow required under section 4204(a)(1)(B); or

(3) The purchaser's net tangible assets, as defined in paragraph (c) of this section, at the end of the fiscal year preceding the year in which the sale occurs, equal or exceed—

(i) If the purchaser was not obligated to contribute to the plan prior to the sale, the amount of unfunded vested benefits allocable to the seller under section 4211, determined as of the date of the sale; or

(ii) If the purchaser was obligated to contribute to the plan prior to the sale, the sum of the amount of unfunded vested benefits allocable both to the purchaser and the seller under section 4211, each determined as of the date of the sale.

(c) *Definitions.* For the purposes of this section—

(1) "Net income after taxes" means revenue minus expenses after taxes (excluding extraordinary and non-recurring income or expenses), as presented in an audited financial statement or, in the absence of such statement, in an unaudited financial statement, each prepared in conformance with generally accepted accounting principles; and

(2) "Net tangible assets" means tangible unencumbered assets (assets other than licenses, copyrights, trade names, trademarks, goodwill, experimental or organizational expenses, unamortized debt discounts and expenses and all other assets which, under generally accepted accounting principles, are deemed intangible) less liabilities.

§ 2643.13 Variances based on other criteria.

When none of the criteria set forth in § 2643.12(b) are satisfied, a party to a sale may apply to the PBGC for a variance or exemption from the purchaser's bond/escrow and the sale-contract requirements, pursuant to Subpart A of this Part.

(Secs. 4002(b)(3) and 4204(c), Pub. L. 93-406, 88 Stat. 829, (1974), as amended by sections 403(l) and 104 (respectively), Pub. L. 96-364, 94 Stat. 1302, and 1221 (1980) (29 U.S.C. 1302(b)(2) and 1384(c))

Raymond J. Donovan,
Chairman, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

Henry Rose,
Secretary, Pension Benefit Guaranty Corporation.

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29 CFR Part 2644

Notice and Collection of Withdrawal Liability

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would establish the interest rate to be charged by multiemployer plans on overdue and defaulted withdrawal liability. Under section 4219(c)(6) of the Employee Retirement Income Security Act, the interest charged on withdrawal liability payments that are overdue or withdrawal liability in default must be at rates based on prevailing market rates for comparable obligations, in accordance with regulations prescribed by the Pension Benefit Guaranty Corporation. The rate set forth in the regulation is based on the average prime rate on short-term commercial loans, as published by the Federal Reserve Board. The effect of this regulation if adopted would be to prescribe a method for determining interest on withdrawal liability payments that are overdue, withdrawal liability in default and overpayments of withdrawal liability. The regulation would also give plans the authority to adopt alternative rules concerning assessment of interest.

DATE: Comments must be received on or before April 15, 1983.

ADDRESSES: Comments should be addressed to the Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Written comments will be available for public inspection at the PBGC, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: J. Ronald Goldstein, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; 202-254-4862.

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208, ("Multiemployer Act"), became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974. (As used herein, "ERISA" means the Act as amended.) As a result of the Multiemployer Act amendments, an employer that withdraws from a multiemployer pension plan will generally be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals after April 28, 1980 (May 2, 1979 for certain employers in the seagoing industry).

Under section 4219(b) of ERISA, a plan sponsor of a multiemployer plan must assess withdrawal liability as soon as practicable after an employer's withdrawal. The plan sponsor assesses withdrawal liability by notifying the employer of the amount of the liability and schedule of payments and demanding payment in accordance with the schedule. Section 4219(c)(1) describes how the annual payment is calculated. The first payment is payable no later than 60 days after the date of the demand, even if the employer requests a review of or appeals the amount of the liability or the schedule of payments (ERISA section 4219(c)(2)). Payments are made quarterly or at other intervals specified by plan rules (ERISA section 4219 (c)(3)).

Overdue and Defaulted Withdrawal Liability

For overdue withdrawal liability payments, section 4219(c)(3) requires that interest be assessed from the due date until the date on which the payment is made. Under § 2644.2(a) of the proposed regulation, a withdrawal liability payment is overdue if not paid on the date specified in the schedule of payments. Plan rules, however, may provide for a reasonable grace period during which payments may be made without interest (§ 2644.4(a)).

In the event of a default, a plan sponsor may require immediate payment of the outstanding balance of the employer's withdrawal liability plus accrued interest on the total outstanding liability from the due date of the first missed payment. (It is emphasized that it is the employer's outstanding withdrawal liability, not the remaining payments on the employer's payment schedule, that may be accelerated. These amounts are different, in that the payments on the payment schedule include interest, reflecting the fact that the employer's withdrawal liability is amortized over a period of time.)

Under section 4219(c)(5)(A) and § 2644.2(b)(1) of the proposed regulation, a default occurs if the employer fails to make a withdrawal liability payment within 60 days after notice from the plan sponsor that the payment is overdue. However, § 2644.2(c)(1) of the proposed regulation provides that the plan may not declare a default for non-payment of withdrawal liability before the expiration of the period during which arbitration may be requested or during arbitration. Specifically, no default for non-payment may be declared until 61 days after the last of: (1) The expiration of the period for requesting plan review; (2) if an employer requests plan review, expiration of the period for requesting arbitration; or (3) when arbitration is timely initiated either by the plan or the employer or both, issuance of the arbitrator's final decision. This reflects the Congressional intent that withdrawal liability should not be accelerated for non-payment of installments before the arbitrator has issued a final decision. Senate Labor and Human Resources Committee and Finance Committee, Joint Explanation of S. 1076: Multiemployer Pension Plan Amendments Act of 1980, 126 Cong. Rec. S10120 (daily ed. July 29, 1980).

However, it should be noted that section 4221(d) of ERISA provides for continued payment of withdrawal liability during arbitration, and thus § 2644.2(c)(2) of this regulation provides that interest accrues on any payment missed before or during arbitration.

Additionally, under section 4219(c)(5)(B) of ERISA and § 2644.4 of the proposed regulation, plan rules may define "default" to include events other than non-payment that indicate a "substantial likelihood that an employer will be unable to pay its withdrawal liability." The limitation on default set forth in § 2644.2(c)(1) of the proposed regulation does not apply to other grounds for default that a plan may adopt under § 2644.4 of the regulation.

Interest Rate

Under section 4219(c)(6), interest on both overdue and defaulted withdrawal liability is at "rates based on prevailing market rates for comparable obligations" in accordance with regulations of the Pension Benefit Guaranty Corporation ("PBGC"). PBGC has selected short-term commercial loans as the "comparable obligations" on which to base the interest rate because withdrawal liability payments that are not timely paid will generally be outstanding for a short time and the interest rate on commercial loans approximates what employers would have to pay to borrow money to pay withdrawal liability or other debts.

Section 2644.3(b) of the proposed regulation provides for an interest rate based on the average prime rate on short-term business loans quoted by large banks, as published by the Federal Reserve Board ("prime rate"). The interest rate for all amounts overdue or in default during each calendar quarter is the prime rate on the fifteenth day of the month preceding the beginning of the quarter (or next business day, if the fifteenth is not a business day). The daily prime rates for a week are

reported by the Federal Reserve Board in Statistical Release H.15 ("Selected Interest Rates"), published the following Monday.

Section 2644.3(b) also provides that the interest rate changes quarterly because, typically, withdrawal liability payments will be made quarterly. (ERISA section 4219(c)(3)). For the sake of administrative convenience, PBGC considered using an interest rate that would remain in effect for one year (*e.g.*, the rate in I.R.C. § 6621). However, PBGC rejected this approach as being contrary to the statutory requirement that the rates reflect "prevailing market rates".

The following chart illustrates what the rates would have been for each quarter of 1981 and the first three quarters of 1982 using the method provided in the regulation (and the date as of which the prime rate was determined):

Quarter in which applicable	Rate	Date of prime
Jan. to Mar. 31, 1981	20.00	Dec. 15, 1980.
Apr. 1 to June 30, 1981	18.00	Mar. 16, 1981.
July 1 to Sept. 30, 1981	20.00	June 15, 1981.
Oct. 1 to Dec. 31, 1981	20.00	Sept. 15, 1981.
Jan. 1 to Mar. 31, 1982	15.75	Dec. 15, 1981.
Apr. 1 to June 30, 1982	16.50	Mar. 15, 1982.
July 1 to Sept. 30, 1982	16.50	June 15, 1982.

The prime rate was selected because it reflects the rate at which loans are made to employers by banks. Although traditionally defined as the most favorable rate at which banks loan money, the prime in recent years has been closer to the average rate at which banks loan money to their commercial customers. Based on the Federal Reserve Board's quarterly Survey of Terms of Bank Lending (Statistical Release E.2(111)) for the past 4 years, the rates which banks actually charge on short-term (less than one year) commercial and industrial loans are only slightly higher than the prime rate for any given period. The prime rate has the advantage that it is published weekly in a form available to the public and is a well-known indicator of current interest rates. In addition, the prime rate (albeit not the current prime rate) is used to establish the interest rate on overpayments or underpayments of taxes, on overdue premiums owed to PBGC and, in the case of s single-employer plan termination, employer liability owed to PBGC. I.R.C. § 6621(b)-(c), *as amended by* section 711 of the Economic Recovery Tax Act of 1981, Pub. L. 97-34, 97th Cong. 1st Sess.; ERISA § 4007(b); 29 CFR Part 2622.

PBGC considered using the data from the Survey of Terms of Bank Lending to establish the rate for overdue and defaulted withdrawal liability. However, the survey is conducted only once a quarter, during the first full business week of the middle month of each quarter. If this rate were used to establish the rate for the next quarter, it would be 6 weeks out of date at the beginning of the quarter. In addition, the survey is not commonly used as an indicator of current interest rates and is not as well known as the prime rate.

In addition to rates on commercial loans, PBGC considered rates on various obligations of the U.S. government. Rates on government securities are consistently lower than rates paid on commercial loans because the government is the most risk-free borrower in the market. Although 6-month Treasury bill rates are now being used for various purposes (*e.g.*, to set maximum rates on loans in Texas and Washington, to adjust the rate on variable rate mortgages insured by the Federal National Mortgage Association, and to establish interest on various savings vehicles), an additional amount would have to be added to reflect rates on obligations "comparable" to withdrawal liability (*i.e.*, debts of corporate borrowers). At best, this "risk premium" would be based on the historic relationship between Treasury obligations and the rate at which commercial loans are made. The prime rate provides that rate directly, without requiring any adjustment by the PBGC.

The yield on other investment vehicles for which rates are frequently published also reflects a high degree of security. Ninety-day certificates of deposit, while responsive to changing interest rates, are issued by regulated financial institutions that offer a high degree of security. Money-market funds are frequently heavily invested in government-backed debt instruments. As with Treasury obligations, a risk premium would have to be added to either of these rates to approximate rates on commercial loans. Therefore, PBGC chose the prime rate on commercial loans as the preferred alternative for interest on overdue and defaulted withdrawal liability.

Under § 2644.2(d), the same interest rate is used to credit interest on any overpayments of withdrawal liability. (An employer need not have paid more than its total withdrawal liability in order for overpayments to have occurred. For example, overpayments may occur when the scheduled payments demanded by the plan exceed the scheduled payments subsequently determined to have been due. A determination that an overpayment has occurred may be made by the plan sponsor in its response to an employer's request for review under section 4219(b)(2) of ERISA, or by the arbitrator in his final decision under section 4221.) If an overpayment has occurred, the overpayment must be refunded with interest, either through a lump sum payment or through a revision in the employer's schedule of payments. When the amount of withdrawal liability paid by the employer, including interest on the overpayment, exceeds the total amount of withdrawal liability owed by the employer, the plan sponsor must immediately refund the excess in a lump sum. When the overpayment is refunded by revising the schedule of payments, the amount of the overpayment (plus interest) shall be credited against future scheduled payments, and no further scheduled payments (or portion thereof) shall become due until the overpayment (plus interest) has been refunded. The regulation does not require that interest be credited on withdrawal liability payments made in excess of the payments required by the schedule.

Plan Rules

Under the proposed regulation, plans may adopt rules which provide for interest on overdue and defaulted withdrawal liability at rates other than that specified in § 2644.3. These rates must reflect "prevailing market rates for comparable obligations." PBGC specifically requests public comment on whether it should, in the final regulation, attempt to list other interest rates that would satisfy the statutory test, and if so, what these other interest rates might be. For example, would the rate a plan uses for delinquent contributions be a rate that reflects "prevailing market rates for comparable obligations"?

In addition, plan rules may provide a reasonable grace period during which no interest accrues or during which payments received will be treated as paid when due. Under § 2644.4(a) of the regulation, all plan rules must be reasonable. In addition, under section 4214(b) of ERISA and § 2644.4(a) of the regulation, the rules must apply uniformly to all employers, although they may take into account the employer's creditworthiness. When plan rules do distinguish among employers based on creditworthiness, the rules must be specific as to the criteria for distinguishing among employers and with respect to the different treatment that will be accorded employers in different categories.

Finally, plans must notify contributing employers and employee representatives of plan rules adopted under § 2644.4(a), as required by section

4214(b) of ERISA. In addition, under § 2644.4(b) of the proposed regulation, employers with outstanding withdrawal liability balances must be notified of any rules relating to overdue or defaulted withdrawal liability.

The Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, ERISA required that interest be assessed on overdue and defaulted withdrawal liability. Moreover, this regulation does not mandate the use of a particular interest rate. This regulation establishes an interest rate that plans may use, but permits plans to vary that rate by plan rule.

Under section 605(b) of the Regulatory Flexibility Act, the Pension Benefit Guaranty Corporation certifies that this rule will not have a significant economic impact on a substantial number of small entities. The proposed regulation affects multiemployer pension plans and employers that withdraw from such plans and fail to pay withdrawal liability when due. Pension plans with fewer than 100 participants have traditionally been treated as small plans. Defining "small plans" as those with under 100 participants, such plans represent only 10% of all multiemployer plans covered by the PBGC (200 out of 2000). Further, small multiemployer plans represent only .3% of all small plans covered by the PBGC (200 out of 61,200) and less than .05% of all small plans (200 out of 427,900). Approximately 500,000 employers contribute to multiemployer plans, most of them small employer (under 100 employees). PBGC estimates that fewer than 25,000 (5%) of these employers will be required to pay withdrawal liability in any year and an even smaller percentage will have overdue or defaulted withdrawal liability. Therefore compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

Interested parties are invited to submit comments on this proposed regulation. Comments should be addressed to: Assistant Executive Director for Policy and Planning, Pension Benefit Guaranty Corporation (140), 2020 K Street, N.W., Washington, D.C. 20006. Written comments will be available for public inspection in Suite 7100 at the above address between the hours of 9:00 a.m. and 4:00 p.m. Each person submitting comments should include his or her name and address, identify this proposed regulation, and give reasons for any recommendation. This proposal may be changed in light of the comments received.

If adopted, the regulation would be effective 30 days after publication of the final regulation in the **Federal Register.**

List of Subjects in 29 CFR Part 2644

Employee benefit plans and pensions.

In consideration of the foregoing, it is proposed to amend Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new Part 2644 as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

Sec.
2644.1 Purpose and scope.
2644.2 Overdue and defaulted withdrawal liability; overpayment.
2644.3 Interest on overdue and defaulted withdrawal liabilty.
2644.4 Plan rules concerning overdue and defaulted withdrawal liability.

Authority: Secs. 4002(b)(3), 4214(b) and 4219(c), Pub. L. 93-406, as amended by sections 403(1) and 104 (respectively), Pub. L. 96-364, 94 Stat. 1208, 1302, 1234 and 1236-1238 (1980) (29 U.S.C. 1302(b)(3), 1394(b) and 1399(c)(8)).

§ 2644.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to provide guidance to plan sponsors and employers in complying with the requirements for notice and collection of withdrawal liability under section 4219 of the Act.

(b) *Scope.* This part applies to multiemployer plans covered under section 4021(a) of the Act and not excluded by section 4021(b), and to employers who have withdrawn from such plans after April 28, 1980 (May 2, 1979 for certain employers in the seagoing industry).

§ 2644.2 Overdue and defaulted withdrawal liability; overpayment.

(a) *Overdue withdrawal liability payment.* Except as otherwise provided in rules adopted by the plan in accordance with § 2644.4(a), a withdrawal liability payment is overdue if it is not paid on the date set forth in the schedule of payments established by the plan sponsor.

(b) *Default.*—(1) Except as provided in paragraph (c)(1), "default" means—

(i) The failure of an employer to pay any overdue withdrawal liability payment within 60 days after the employer receives written notification from the plan sponsor that the payment is overdue; and

(ii) Any other event described in rules adopted by the plan which indicates a substantial likelihood that an employer will be unable to pay its withdrawal liability.

(2) In the event of a default, a plan sponsor may require immediate payment of all or a portion of the outstanding amount of an employer's withdrawal liability, plus interest. In the event that the plan sponsor accelerates only a portion of the outstanding amount of an employer's withdrawal liability, the plan sponsor shall establish a new schedule of payments for the outstanding amount of the employer's withdrawal liability.

(c) *Plan review or arbitration of liability determination.* The following rules shall apply with respect to the obligation to make withdrawal liability payments during the period for plan review and arbitration and with respect to the failure to make such payments.

(1) A default as a result of failure to make any payments shall not occur until the 61st day after the last of—

(i) expiration of the period described in section 4219(b)(2)(A) of the Act;

(ii) if the employer requests review under section 4219(b)(2)(A) of the Act of the plan's withdrawal liability determination or the schedule of payments established by the plan, expiration of the period described in section 4221(a)(1) of the Act for initiation of arbitration; or

(iii) if arbitration is timely initiated either by the plan, the employer or both, issuance of the arbitrator's decision.

(2) Any amounts due before the expiration of the period described in paragraph (c)(1) shall be paid in accordance with the schedule established by the plan sponsor. If a payment is not made when due under the schedule, the payment is overdue and interest shall accrue in accordance with the rules and at the same rate set forth in § 2644.3.

(d) *Overpayments.* If the plan sponsor or an arbitrator determines that payments made in accordance with the schedule of payments established by the plan sponsor have resulted in an overpayment of withdrawal liability, the plan sponsor shall credit interest on the overpayment from the date of the overpayment to the date on which the overpayment is refunded to the employer in accordance with this paragraph, at the same rate as the rate

for overdue withdrawal liability payments under § 2644.3. The plan sponsor shall refund the overpayment in a lump sum or through revision of the schedule of payments, subject to the restrictions in paragraphs (d)(1) and (d)(2):

(1) If the amount of withdrawal liability paid by the employer, including interest on the overpayment, exceeds the total amount of withdrawal liability owed by the employer, the plan sponsor shall immediately refund the excess in a lump sum.

(2) If the overpayment is refunded by revising the schedule of payments, the amount of the overpayment (plus interest) shall be credited against future scheduled payments, and no further scheduled payments (or portion of a scheduled payment) shall become due until the overpayment (plus interest) has been refunded.

§ 2644.3 Interest on overdue and defaulted withdrawal liability.

(a) *Interest assessed.* The plan sponsor of a multi-employer plan—

(1) shall assess interest on overdue withdrawal liability payments from the due date, as defined in paragraph (c)(1) of this section, until the date paid, as defined in paragraph (d) of this section; and

(2) in the event of a default, may assess interest on any accelerated portion of the outstanding withdrawal liability from the due date, as defined in paragraph (c)(2) of this section, until the date paid, as defined in paragraph (d) of this section.

(b) *Interest rate.* Except as otherwise provided in rules adopted by the plan consistent with § 2644.4(a), interest under this section shall be charged or credited for each calendar quarter as a rate equal to the average quoted prime rate on short-term commercial loans for the fifteenth day (or next business day if the fifteenth day is not a business day) of the month preceding the beginning of each calendar quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates"). Interest shall be compounded at the end of each calendar quarter.

(c) *Due date.* Except as otherwise provided in rules adopted by the plan, the due date from which interest accrues shall be—

(1) for an overdue withdrawal liability payment, the date on which the payment is required to be made under the schedule of payments established by the plan for the employer; and

(2) for an amount of withdrawal liability in default, the date on which the first payment which was not timely made and was not paid before the date of the default, is required to be made under the schedule of payments.

(d) *Date paid.* Any payment of withdrawal liability shall be deemed to have been paid on the date on which it is recieved.

§ 2644.4 Plan rules concerning overdue and defaulted withdrawal liability.

(a) *Plan rules permitted.* Plans may adopt rules relating to overdue and defaulted withdrawal liability, provided that those rules are consistent with the Act. These rules may include, but are not limited to, rules for determining the rate of interest to be charged on overdue and defaulted withdrawal liability (provided that the rate reflects prevailing market rates for comparable obligations); rules providing reasonable grace periods during which late payments may be made without interest; additional definitions of default which indicate a substantial likelihood that an employer will be unable to pay its withdrawal liability; and rules pertaining to acceleration of the outstanding balance on default. Plan rules adopted under this section shall be reasonable. Plan rules shall operate and be applied uniformly with respect to each employer, except that the rules may take into account the creditworthiness of an employer. Rules which take into account the creditworthiness of an employer shall state with particularity the categories of creditworthiness the plan will use, the specific differences in treatment accorded employers in different categories, and the standards and procedures for assigning an employer to a catagory.

(b) *Notice to employers and employee organizations.* The plan sponsor shall mail a notice to each employer and employee organization concerning adoption of plan rules under this part, as required by section 4214(b) of the Act. In addition, the plan sponsor shall mail a notice of any rule relating to overdue or defaulted withdrawal liability to each employer that has withdrawn from a plan and has not paid its total withdrawal liability before the rule is adopted.

Issued at Washington, D.C. on this 8th day of February, 1983.

Raymond Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 83-3249 Filed 2-11-83; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Cancellation of Public Hearing on Modified Portions of the Ohio Regulatory Program and Abandoned Mine Reclamation Plan

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

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of proposed amendments to the Ohio permanent regulatory program and the Abandoned Mine Reclamation Plan (hereinafter referred to as the Ohio regulatory program and the AML plan) under the Surface Mining Control and Reclamation Act of 1977. This notice cancels the public hearing but does not alter the time and location at which the Ohio regulatory program, the AML plan, and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program amendments.

DATE: The following hearing is cancelled: The public hearing on the proposed amendments to the Ohio program scheduled for February 25, 1983, at 1:00 p.m.

ADDRESS: Written comments should be mailed or hand-delivered to: Ms. Nina Rose Hatfield, Field Office Director, Ohio Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Field Office Director, Ohio Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227, Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION: On January 21, 1983, notice of opportunity for a public hearing on the proposed amendments to the Ohio program was published in the Federal Register (48 FR 2800). The notice stated that any person interested in making an oral presentation at the hearing should

contact Ms. Hatfield by February 3, 1983, and that if no person contacted Ms. Hatfield to express an interest in participating in the hearing by the above date, the hearing would be cancelled. Because no one expressed an interest in attending the hearing, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed amendments. Written comments must be received on or before 4:30 p.m. on February 25, 1983, to be considered in the Director's decision on whether to approve or disapprove the amendments. Written comments should be mailed or hand-delivered to the address listed above under "**ADDRESS**".

Dated: February 8, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 83-3940 Filed 2-11-83; 8:45 am]

BILLING CODE 4310-05-M

PANAMA CANAL COMMISSION

35 CFR Part 10

Privacy Act of 1974; Access To Information Concerning Individuals; Proposed Exemption From Access of System of Records

AGENCY: Panama Canal Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule would exempt a system of records called Administrative Reports, PCC/GSCX-1, from certain provisions of the Privacy Act of 1974. The general effect of the exemption would be to make information in the system inaccessible to the subjects of the records and to others whose access to such records is not authorized. The system consists of information maintained by the Support Services Branch of the Panama Canal Commission, and the exemption is needed because the function of the Branch includes receiving and filing copies of investigatory reports from Government of Panama law enforcement authorities on Commission employees, their dependents, and other eligible persons who have been arrested by or have otherwise become involved with Government of Panama authorities. The office acquires such copies and generates additional reports in the process of providing assistance to such individuals in compliance with certain requirements of the Panama Canal Treaty of 1977. The system also contains copies of investigatory reports originated by U.S. military authorities on individuals who have been involved in shoplifting or other misconduct which have been referred to the Support Services Branch for review, clarification, counselling, and administrative action. In addition, the system contains copies of reports of disposition of cases involving abuse of purchase and importation privileges for reference purposes. Divulging the information in the system could impede efforts to assist Panama Canal Commission employees or their dependents when such assistance is required.

Since the purpose of this rule is to exempt a narrow class of records concerning individuals from the access and contest provisions of the Privacy Act, no small entities would be affected by its implementation. Accordingly, the agency has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, sections 603 and 604 of 5 U.S.C. do not apply to the regulation proposed in this document, and the head of the agency so certifies pursuant to 5 U.S.C. 605(b). Further, for the same reasons, this proposed rule is not considered to be a major rule as defined in section 1(b) of Executive Order 12291 of February 17, 1981.

DATES: Comments must be received on or before March 16, 1983. The proposed effective date for this rule is March 17, 1983.

ADDRESS: For comments: Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004; or Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004 (telephone 202-724-0104).

List of Subjects in 35 CFR Part 10

Privacy.

PART 10—[AMENDED]

Under the Privacy Act of 1974, 5 U.S.C. 552a, the Panama Canal Commission proposes to amend Part 10 of 35 CFR by adding a new paragraph (a)(2)(xxix) to 35 CFR 10.22 to read as follows:

§ 10.22 Specific exemptions.

(a) * * *

(2) * * *

(xxix) Administrative Reports, PCC/GSCX-1.

Dated: December 17, 1982.

D. P. McAuliffe,

Administrator.

[FR Doc. 83-3911 Filed 2-11-83; 8:45 am]

BILLING CODE 3640-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[W7-FRL 2306-1]

Kansas Corporation Commission Underground Injection Control Primacy Application

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 Kansas Corporation Commission 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 Kansas Corporation Control Commission to regulate Class II wells.

DATES: Requests to present oral testimony should be filed by March 11, 1983. A public hearing will be held on March 18, 1983, beginning at 9:00 a.m. Written comments must be received by March 25, 1983. EPA reserves the right to cancel the Public Hearing should there be no significant public interest. Those persons having expressed interest will be notified of the cancellation.

ADDRESSES: Comments and/or requests to testify should be mailed to William Pedicino, Ground Water Section, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the application and pertinent materials are available between 8:00 a.m. and 4:00 p.m. Monday through Friday, at the following locations:

Environmental Protection Agency, Region VII, Room 1320, 324 East 11th Street, Kansas City, Missouri 64106, (816) 374-2576

Kansas Corporation Commission, 200 Colorado Derby Building, 202 West 1st

Street, Wichita, Kansas 67202, (316) 263–3238

Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620, (913) 862–9360 Ext. 221

Kansas Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas 66612, (913) 296–2864

The hearing will be held at the Sedgwick County Health Department, 1900 East 9th Street, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: William Pedicino, Ground Water Section, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, (816) 374–6514. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The application from Kansas Corporation Commission is for the regulation of Class II oil and natural gas related injection wells.

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 Kansas is approved, the State would protect underground sources of drinking water from endangerment by the injection practices associated with wells which are used to inject fluids for oil or natural gas production, enhanced recovery of oil or natural gas or for storage of hydrocarbons. At present, Kansas has in excess of fifteen thousand (15,000) Class II wells.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123 which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part; and may not all apply to this particular notice:

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.

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 Kansas Corporation Commission and the Region VII office of the Environmental Protection Agency.

Dated: February 3, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83–3804 Filed 2-11-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[W-5 FRL 2306-2]

Ohio Department of Natural Resources Underground Injection Control Primacy Application

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 Ohio Department of Natural Resources requesting approval of its Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public heairng will provide EPA the breadth of information and public opinion necessary either to approve, disapprove, or approve in part and disapprove in part the application from the Ohio Department of Natural Resources to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by March 14, 1983. A public hearing will be held on March 28, 1983, beginning at 9:00 a.m. Written comments must be received by March 14, 1983. EPA reserves the right to cancel the hearing should there be no significant public interest. Notice of cancellation will be published in the Federal Register.

ADDRESSES: Comments and requests to testify may be mailed to Karen Theisen, Ground Water Section (5WD–26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the application and pertinent material are available for inspection and copying between 10:00 a.m. and 5:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region V Library, 14th Floor, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 253–2022

Ohio Department of Natural Resources, Division of Oil and Gas, Fountain Square, Columbus, Ohio 43224, (614) 265–6922

The hearing will be held at the Ohio Department of Natural Resources, Division of Oil and Gas, Building E, Assembly Center, Fountain Square, Columbus, Ohio.

FOR FURTHER INFORMATION CONTACT: Karen Theisen, Ground Water Section (5WD–26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6194. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: The application from the Ohio Department of Natural Resources is for the regulation of Classes I, II, III, IV, and V injection wells.

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/1 of total dissolved solids. If this application from Ohio 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 II—wells which are used to inject fluids for oil or natural gas production, enhanced recovery of oil or natural gas or for storage of hydrocarbons.

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, Ohio has sixteen (16) Class I wells, three thousand twenty one (3021) Class II wells, thirty (30) Class III wells, ten (10) Class IV wells and two thousand eight hundred and fourteen (2814) Class V wells. Class I, II, 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 sitting, construction, testing, operation, monitoring and abandonment. Class IV wells would be prohibited. Class V wells would be studied to assess what further regulatory measures are required. A full

control program for Class V wells would be developed approximately three years from the date of approval of the State application for primacy. In the meantime, existing State requirements would continue to be applied.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subject in 40 CFR Part 123

Hazardous materials, Indians—Lands, Reporting and recordkeeping requirements, Waste Treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

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 Ohio Department of Natural Resources and the Region V office of the Environmental Protection Agency.

Dated: February 3, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-3896 Filed 2-11-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[W-5-FRL 2300-3]

Wisconsin Department of Natural Resources Underground Injection Control Primacy Application

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 Wisconsin Department of Natural Resources 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 and disapprove in part the application of the Wisconsin Department of Natural Resources to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by March 17, 1983. The pubic hearing will be held on March 31, 1983, beginning at 9:00 a.m. Written comments must be received by March 17, 1983. EPA reserves the right to cancel the hearing should there be no significant public interest. Notice of cancellation will be published in the **Federal Register.**

ADDRESSES: Comments and requests to testify should be mailed to Richard Traub, Ground Water Section (5WD-26), Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604. Copies of the application and pertinent materials are available for copying between 10:00 a.m. and 5:00 p.m. Monday through Friday, at the following locations:

Environmental Protection Agency, Region V Library, 14th Floor, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2022

Wisconsin Department of Natural Resources, Bureau of Water Supply, G.E.F. 2 Building, 101 South Webster, Madison, Wisconsin 53707

The hearing will be held at the Wisconsin Department of Natural Resources, G.E.F. 3 Building, Room 11, 125 South Webster, Madison, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Richard Traub, Ground Water Protection Section (5WD-26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6193.

SUPPLEMENTARY INFORMATION: The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifiers capable of yielding a significant amount of water containing less tha 10,000 mg/l of total dissolved solids. If this application from Wisconsin is approved, the State would protect underground sources of drinking water from endangerment by banning all Class IV injection wells and prohibiting all Class I, II, and III wells. Also, Class V(b) wells would be prohibited.

Class V wells will be studied to assess whether further regulatory measures are required. In the meantime, existing State requirements will continue to be applied.

At present, Wisconsin has no known Class I, II, III, or IV wells. There are less that fifty (50) Class V wells extant.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—Lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

This application from the Wisconsin Department of Natural Resources is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Wisconsin Department of Natural Resources and Region V office of the Environmental Protection Agency.

Dated: February 3, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-3898 Filed 2-11-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 567

[Docket No. 83-02; Notice 1]

Certification; Grant of Petition for Rulemaking

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

ACTION: Grant of petition for rulemaking and notice of proposed rulemaking.

SUMMARY: This notice grants a petition submitted by the National Truck Equipment Association asking for simplication of the requirements in the agency's certification regulation regarding the certification label for final-stage manufacturers of trucks manufactured in two or more stages. The notice also proposes to adopt the requested changes. Those changes would permit a more generalized final-stage manufacturer's label that would not include the specific listing of safety standards by their numbers. Manufacturers wishing to continue to use labels identifying the specific standards would be permitted to do so.

DATES: Comments must be submitted no later than April 15, 1983. The proposed effective date is the date of publication of the final rule in the **Federal Register.**

ADDRESSES: Comments should refer to the docket number and be submitted to Docket Section, Room 5109 Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours are 8:00 a.m. to 4:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Roger Tilton, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-9511).

SUPPLEMENTARY INFORMATION: Part 567, *Certification*, establishes the requirements for all manufacturers of motor vehicles to certify that their vehicles comply with all applicable motor vehicle safety standards. In the case of motor vehicles that are manufactured in two or more stages, chassis-cab manufacturers and intermediate manufacturers who work with chassis cabs are also required to attach labels to their vehicles indicating the extent to which each has assisted in completing the compliance of the vehicles with the safety standards. The requirements for labeling for the chassis-cab and intermediate manufacturers arose from the court decision in *Rex Chainbelt* v. *Brinegar*, 511 F.2d 1215 (7th Cir. 1975), where the court indicated that all manufacturers in the chain of manufacturing should certify compliance to the degree their work affects the vehicle. Prior to that decision, only the final-stage manufacturer certified the compliance of a multi-stage vehicle.

Part 567, which was extensively amended as a result of *Rex Chainbelt*, is quite complex. It requires chassis-cab, intermediate, and final-stage manufacturers of multi-stage vehicles to make several statements on their certification labels relating to the effect of their manufacturing process on the compliance of the vehicle with the safety standards. Use of these multiple statements requires the listing of many standards by their standard number on each label. Final-stage manufacturers can avoid this time-consuming listing of standards by electing to use an abbreviated certification statement that simply indicates that their vehicles comply with all applicable motor vehicle safety standards. However, few final-stage manufacturers make this statement, because they fear potential product liability from making such a broad representation on the certification label. In effect, they believe that this statement, if made by them, would make them responsible for the compliance of all of the safety standards, even those previously certified by another manufacturer. The agency has always disagreed with this argument and has encouraged the use of the abbreviated label. For several years, representatives of the final-stage manufacturers have asked the agency to devise a more general label that would obviate the need to list standards and yet provide limited liability for those manufacturers.

The National Truck Equipment Association (NTEA) has petitioned the agency to amend the labeling requirements for the final-stage manufacturers to simplify the label. Most final-stage manufacturers are very small with limited facilities. Many of these manufacturers add a body onto a prepared chassis or install work performing equipment on a chassis. They are familiar with the operation that they perform and have learned how to it without affecting the compliance with the safety standards or to complete the compliance with the safety standards. However, they are unaware of many of the other standards that they would not normally affect, but which they now list in various sections of their certification label. NTEA asserts that this complexity increases the burden on these small manufacturers without providing any identifiable benefit.

The NTEA recommends that the agency amend the certification requirements for the final-stage manufacturers to allow the label to be more general. In most cases, the final-stage manufacturer does not affect the compliance of the standards that have been previously certified by the chassis-cab or intermediate vehicle manufacturer. Also, in most cases, they complete the vehicle in accordance with the instructions in the incomplete vehicle document. In these cases, the NTEA argues, the label could be generalized in such a manner that reference to specific standards could be completely deleted. This would permit the development of a form label that would not require the time-consuming addition of significant amounts of specialized information by the final-stage manufacturer. This could substantially reduce the burden of certifying for these manufacturers.

The NTEA recommends also that use of the existing, more complex label be retained as an option that can be used by any final-stage manufacturer. Under NTEA recommendations, the detailed label would have to be used by those final-stage manufacturers who do not follow the instructions in the incomplete vehicle documents or who affect the compliance of standards that were previously certified by the chassis-cab or intermediate vehicle manufacturers.

The NTEA proposal would not make any change to existing label requirements for the chassis-cab and intermediate manufacturers. The chassis-cab manufacturers in particular are usually larger manufacturers who are much more familiar with the safety standards and are not in need of this type of relief. Also, the existing label is somewhat beneficial for those manufacturers since it allows them to be very specific in the safety standards for which they are claiming responsibility.

The agency tentatively agrees with the NTEA proposal. For years, NHTSA has sought ways to reduce the burden on final-stage manufacturers that was created by the certification scheme implemented in 1977. The agency believes that this proposal has the potential for achieving that relief. If adopted, the new regulation would allow three optional certification methods for final-stage manufacturers.

First, manufacturers would be permitted to certify in accordance with the long and very specific method that most are using today. Some of the larger final-stage manufacturers may like this, since it is more specific with respect to their responsibility.

Second, manufacturers would be permitted the use of the more generalized label, being proposed today, if they do not alter compliance of previously certified standards and if they follow the instructions of the incomplete vehicle manufacturer. The label would read:

> Conformity of the chassis-cab to Federal Motor Vehicle Safety Standards, which have been previously fully certified by the incomplete vehicle manufacturer or by the intermediate vehicle manufacturer, has not been affected by final-state manufacture. The vehicle has been completed in accordance with prior manufacturer's instructions, where applicable. This vehicle conforms to all other applicable Federal Motor Vehicle Safety Standards in effect in (month, year).

Third, final-stage manufacturers would still be able to use the abbreviated label that simply states: "This vehicle conforms to all applicable Federal Motor Vehicle Safety Standards in effect in (month, year)." The agency continues to encourage this latter approach since it can be used by all final-stage manufacturers in all situations and is much simpler than even the modified label being proposed today. NHTSA views manufacturer reluctance to use this abbreviated label based upon product liability concerns to be unfounded. Although the label

appears to be a broad assertion of responsibility, it is attached to the vehicle near the labels of the chassis-cab or intermediate manufacturer. These other labels specify the responsibility of those manufacturers. Accordingly, it seems unlikely in most foreseeable instances that the final-stage manufacturer will be made to bear the full responsibility for compliance of the vehicle. In any product liability action, it is likely that all manufacturers whose labels are on the vehicle will be included in the suit regardless of the statements on those labels. In such a suit, the findings of fact will determine the responsible party. The existence on the vehicle of the other labels would help to reduce the responsibility of the final-stage manufacturer. The agency requests commenters to identify any case law that would support the proposition that the abbreviated label would increase the final-stage manufacturer's potential liability especially given the existence of the one or two other manufacturer's labels that would remain on the vehicle.

The agency is proposing that this amendment become effective upon publication of the final in the **Federal Register**. Since the proposal is an alternative and since it would relieve compliance burdens, it should be effective as soon as possible. Manufacturers could continue to use their existing labels until such time as they choose to change to the new system. Accordingly, no adverse economic consequences would result from an immediate effective date.

Executive Order 12291

The agency has evaluated the economic and other effects of this proposed amendment and has determined that it is not major as defined by Executive Order 12291 nor significant as defined by the Department of Transportation's regulatory policies and procedures. The proposed amendment simply allows a shortened certification technique for final-stage manufacturers but would permit them to continue to certify in the same manner that they certify at present if they choose. Accordingly, the only economic result might be a slight reduction in the cost of certification for those entities that choose the new certification format. Because the economic and other impacts are minimal, conducting a full regulatory evalution is not necessary.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, the agency has evaluated the effects of this action on small entities. Based upon this evaluation, the Administrator certifies that the proposed amendments to Part 567 will not have a significant economic effect on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared.

While many of the final-stage manufacturers that will be affected by this proposed amendment are considered small as defined by the Regulatory Flexibility Act, the effect of the proposal on them, if any, would only be slight. The amendment would not impose any additional costs and might in fact slightly reduce costs for them. Most important, the proposed amendment will potentially reduce confusion and complexity in the certification of their vehicles. Since the cost effects on manufacturers would be minimal, the effects on vehicle prices, and thus on small organizations and governmental units that might purchase new multi-stage vehicles, would be negligible.

National Environmental Policy Act

The agency has also analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that the proposed amendments to Part 567 will not have any significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments 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. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 567

Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Reporting and recordkeeping requirements.

PART 567—[AMENDED]

In accordance with the foregoing, the following amendments are proposed to Title 49, Chapter V, of the Code of Federal Regulation, Part 567, Certification:

§ 567.5 [Amended]

Paragraph (c)(7) would be revised to read as follows:

* * * * *

(c) * * *

(7) One of the following statements as appropriate. Statements (i), (ii), and (iii) are alternative certification statements. Statement (i) may be used by manufacturers meeting the requirements described in the instruction portion of that paragraph. Statements (ii) and (iii) may be used by any final-stage manufacturer.

(i) "Conformity of the chassis-cab to Federal Motor Vehicle Safety Standards, which have been previously fully certified by the incomplete vehicle manufacturer or intermediate vehicle manufacturer, has not been affected by final-stage manufacture. The vehicle has been completed in accordance with the prior manufacturer's instructions, where applicable. This vehicle conforms to all other applicable Federal Motor Vehicle Safety Standards in effect in (month, year)." The preceding statement shall be used only in cases in which the final-stage manufacturer has: (A) Not affected conformity to standards compliance with which has been fully certified by a chassis-cab manufacturer pursuant to paragraph (a)(1) of this section or by an

intermediate manufacturer pursuant to paragraphs (b)(1)(i) or (b)(1)(ii) of this section, and (B) has completed the vehicle in accordance with the prior manufacturer's instructions in regard to standards listed, as appropriate, in a chassis-cab manufacturer's conditional statement under paragraph (a)(2) of this section or in an intermediate manufacturer's conditional statement under paragraph (b)(2) of this section. The date shown in the third sentence of the statement shall be not earlier than the manufacturing date of the incomplete vehicle, and not later than the date of completion of final-stage manufacture.

(ii) "Conformity of the chassis-cab to Federal Motor Vehicle Safety Standards Nos.——has not been affected by final stage manufacture. With respect to Standards Nos.——, the vehicle has been completed in accordance with the prior manufacturer's instructions. This vehicle conforms to all other applicable Federal Motor Vehicle Safety Standards in effect in (month, year). The first sentence of the preceding statement shall be completed by inserting the numbers of all or less than all of the standards, and only those standards, respecting which the latest prior certification statement was made by a chassis-cab manufacturer pursuant to paragraph (a)(1) of this section or by an intermediate manufacturer pursuant to paragraphs (b)(1)(i) or (b)(1)(ii) of this section. The second sentence of the statement shall be completed by inserting the numbers of all or less than all of the standards and only those standards, respecting which the latest prior certification statement was a chassis-cab manufacturer's conditional statement under paragraph (a)(2) of this section or an intermediate manufacturer's conditional statement under paragraph (b)(2) of this section. The date shown in the third sentence of the statement shall be not earlier than the manufacturing date of the incomplete vehicle, and not later than the date of completion of final-stage manufacture.

(iii) "This vehicle conforms to all applicable Federal Motor Vehicle Safety Standards in effect in (month, year)."

The date shown shall be not earlier than the manufacturing date of the incomplete vehicle and not later than the date of completion of final-stage manufacture.

(Secs. 103, 108, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on February 9, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-3899 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

Atlantic Sea Scallops

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

ACTION: Notice of public hearing.

SUMMARY: The New England Fishery Management Council (Council) will hold a public hearing (concurrently with its February meeting) to allow for input on the current status of the Atlantic sea scallop fishery.

DATES: The hearing will be held on February 23, 1983, at 1:00 p.m.

ADDRESS: The hearing will be held at the Kings Grant Inn, Route 128 N at Trask Lane, Danvers, Massachusetts 01923.

FOR FURTHER INFORMATION CONTACT: Douglas Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, Massachusetts 01906, (617) 231-0422.

SUPPLEMENTARY INFORMATION: The regulations for Atlantic sea scallops (47 FR 35955) require the Regional Director (RD), Northeast Region, to review the status of the Atlantic sea scallop resource on a continuing basis and prepare a report concerning the status of the fishery and possible changes in the resource, fishery, or industry which might require adjustment of the management program. The program's standards can be adjusted within a range from 25 to 40 sea scallop meats per pound, but by no more than 5 meats per pound by any one adjustment. The RD shall solicit and consider any recommendation of the Council regarding adjustment of the standards. He shall provide, with the Council, for public notice and comment, and hold a public hearing on the recommendation, in conjuction with the Council meeting at which the recommendation is discussed.

Dated: February 8, 1983.

Joe P. Clem,

Acting Chief, Operation Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-3717 Filed 2-11-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 31
Monday, February 14, 1983

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 83-2-29]

Aeral; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause; Order 83-2-29.

SUMMARY: The Board proposes to dismiss the application of Aeral-Aeronoleggi e Lavoro Aereo, S.p.A. d.b.a. Aeral for a foreign air carrier permit under section 402 of the Federal Aviation Act of 1958.

Objections

All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than February 22, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 36700, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, (202) 673-5203, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 8, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-3944 Filed 2-11-83; 8:45 am]

BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit, willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
83-2-20	Catalina-Seaboard Airlines, Inc. d.b.a. Spirit Aire.	February 25, 1983.
83-2-21	East Coast Airways, Ltd.	Do.
83-2-22	Eastman Airways, Inc.	February 28, 1983.
83-2-23	Virgin Air, Inc.	Do.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428.

The complete text of the orders 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 to the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Nicholas Lowry for Order 83-2-20 at (202) 673-5088; Mr. Robert Klothe for Order 83-2-21 at (202) 673-5822; Mr. Paul Samuel Smith for Order 83-2-22 at (202) 673-5450; and Ms. Carolyn S. Kramp for Order 83-2-23 at (202) 673-5919; Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428

By the Civil Aeronautics Board: February 8, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-3942 Filed 2-11-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41163]

Newark-London Back-Up Case; Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled matter will be held on February 15, 1983, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., February 9, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83-3943 Filed 2-11-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determination; Railcars From Canada

AGENCY: International Trade Administration, Commerce.

ACTION: Final Affirmative Countervailing Duty Determination.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to Bombardier, Inc., a manufacturer and exporter in Canada of railcars described in the "Scope of Investigation" section of this notice. The estimated net subsidy is $110,565 per finished or unfinished railcar manufactured, produced, or exported by Bombardier, Inc., and intended for purchase or use by the Metropolitan Transportation Authority of New York. The U.S. International Trade Commission will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the later of 120 days after the Department made its preliminary determination or 45 days after publication of this notice.

EFFECTIVE DATE: February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Michael J. Altier, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW.,

Washington, D.C. 20230, telephone: (202) 377-1785.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we have determined that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to Bombardier, Inc. (Bombardier), a manufacturer and exporter in Canada of railcars as described in the "Scope of Investigation" section of this notice.

The following programs are found to confer subsidies.

- Export credit financing
- Federal and provincial regional grants.

We determined the net subsidy to be $110,565 per railcar produced by Bombardier and intended for purchase or use by the Metropolitan Transportation Authority of New York (MTA).

Case History

On June 24, 1982, we received a petition from the Budd Company (Budd), a U.S. producer of railcars, filed on behalf of the U.S. industry producing railcars. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Canada of railcars.

In addition, on July 14, 1982, the Industrial Union Department, AFL-CIO, the United Automobile and Aerospace Workers, and the United Steelworkers of America, which claimed to represent members in the United States subway car manufacturing industry and supplying industries, requested status as co-petitioners in this proceeding. Budd and the unions were found to be "interested parties" within the meaning of section 771(9) of the Act.

We found the petition to be sufficient and initiated a countervailing duty investigation on July 14, 1982 (47 FR 31415). We stated that we expected to issue a preliminary determination by September 17, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until November 22, 1982 (47 FR 39225).

Since Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the International Trade Commission (ITC) of our initiation. On August 8, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, U.S. industry (47 FR 36042).

We presented the questionnaire concerning the allegations to the government of Canada in Washington, D.C. We received the response to the questionnaire on September 27, 1982. In addition, on October 8, 1982, we received a response from Bombardier to those questions in the Canadian government questionnaire which were related specifically to the company itself. Bombardier was the only company identified by the Canadian government as a manufacturer, producer, or exporter of the merchandise under investigation. Supplemental questionnaires were presented and responses received from Bombardier and the Canadian government on October 25 and 26, 1982.

A questionnaire was also sent to MTA, the only known purchaser of railcars under investigation. Although MTA is not an interested party under section 771(9) of the Act, it agreed to answer the questionnaire. The MTA response was received on October 26, 1982.

On November 22, 1982, we preliminarily determined that the government of Canada was providing its manufacturers, producers, and exporters of railcars with benefits that are subsidies within the meaning of the countervailing duty law (47 FR 53760).

On December 15-17, 1982, we verified in Canada the questionnaire responses submitted by the government of Canada and Bombardier.

Our notice of preliminary determination gave interested parties an opportunity to submit written and oral views. Subsequently, by memorandum of December 23, 1982, we notified all interested parties and MTA that the Department was considering using in its final determination several valuation methods which differed from those employed in our preliminary determination. We briefly described these proposed methods to encourage the parties to submit factual information which would help us determine whether the proposed methodologies were appropriate for this case and, if appropriate, what factual assumptions were relevant in making the proper calculations.

We held a public hearing on January 6, 1983, at which Budd, Bombardier, and MTA participated.

Scope of Investigation

The merchandise covered by this investigation consists of passenger railcars, assembled or unassembled, finished or unfinished, components, and parts and accessories thereof and/or to be used therewith. This merchandise is currently classifiable under the following *Tariff Schedules of the United States* numbers, *inter alia:* 646.92, 646.95, 647.01-647.10, 653. 39, 680.14-680.28, 680.30-680.33, 682.95-683.16, 685.90, 688.06-688.07, 690.10, 690.30, 690.40, 772.35. The passenger railcars are primarily used as subway cars.

Bombardier is the only known producer and exporter in Canada of the merchandise exported to the United States. Hawker Siddeley Canada, Ltd. (Hawker Siddeley), another possible producer and exporter of this merchandise, requested an exclusion from this determination. Hawker Siddeley does not have any contract to export the subject merchandise to the United States at this time. Furthermore, the allegations of subsidies made by petitioners concerned only the Bombardier/MTA transaction. No allegations have been made that Hawker Siddeley has or will benefit from subsidies like those found to exist in this investigation. Therefore, we need not act on Hawker Siddeley's request for exclusion, because this final determination applies only to the subject merchandise manufactured, produced, or exported by Bombardier and intended for purchase or use by MTA.

Given the nature of this industry where there is a substantial lead time prior to actual imports of merchandise, the Department could easily conduct a separate investigation should it become apparent that future exports to the United States by Hawker Siddeley or any other Canadian railcar manufacturer, producer, or exporter receives countervailable benefits which cause or threaten to cause material injury to a domestic industry.

Analysis of Programs

Based upon our analysis of the petition, responses to our questionnaires, and comments received before, during, and after the public hearing held on January 6, 1983, we determined the following:

Programs Determined To Confer Subsidies

We have determined that subsidies are being provided under the programs listed below to Bombardier, a manufacturer, producer, and exporter in

Canada of passenger railcars included in this investigation.

A. *Export Credit Financing.* Before discussing our analysis of the export financing involved in this investigation, it is first necessary to understand the significant events which led to the Bombardier/MTA transaction. In April and November 1981, MTA issued two invitations for bids for a total of 1150 type R-62 railcars and 226 R-68 cars. MTA specifically requested that bids be supported by financing.

Four parties responded: Budd, Bombardier, Kawasaki (a Japanese railcar manufacturer), and Francorail (a consortium of French manufacturers). Kawasaki successfully bid for 325 R-62 cars, and on March 17, 1982, MTA announced that Kawasaki had been awarded a contract, which became effective on April 12, 1982, when the necessary export financing arrangements were finalized. Kawasaki, however, was not interested in more MTA orders at that time. As a result, only Budd, Bombardier, and Francorail remained to bid on the other 825 R-62 cars.

Bombardier's efforts to secure financing for its bid began soon after MTA's November 1981 invitation was made, when it approached the Export Development Corporation (EDC), a Canadian Crown Corporation wholly owned by the Canadian Government. EDC was created to help develop and facilitate Canada's export trade within the framework of the Canadian Export Development Act by providing insurance, guarantees, and direct export credits to buyers and sellers of Canadian manufacturers and services.

By early 1982 active negotiations had begun between MTA and EDC regarding possible EDC financing to support Bombardier's bid. On May 11, 1982, the EDC issued a "Management Letter" to MTA indicating its willingness to consider providing export credit financing to MTA of up to 85 percent of United States costs incurred by Bombardier, subject to satisfaction of EDC's Canadian content criteria, final approval of EDC's Board of Directors and the Government of Canada, and receipt of satisfactory evidence that the French competitor, Francorail, was supported by an irrevocable financing proposal in U.S. dollars in terms at least equivalent to EDC's. The May 11 EDC offer incorporated by reference terms and conditions contained in previous "indications of willingness to consider financing" issued on March 3 and May 10. These terms were as follows: financing of up to 85% of the sale price of Canadian equipment and services of up to U.S. $646 million, at an interest rate of 9.7%, repayable in 17 equal consecutive semi-annual installments commencing on the earlier of six months following final delivery of the 825 railcars or an outside date to be determined by EDC. The May 11 letter also included provisions for fees and expenses to be borne by MTA and several conditions.

On May 14, 1982, EDC amended the "Management Letters" by extending the repayment term from eight and one-half to ten years and requiring evidence only on the French interest rate.

On May 18, 1982, MTA announced that it had awarded a letter of intent to Bombardier designating Bombardier as the supplier of 825 R-62 passenger railcars to MTA. This MTA award included the express condition and understanding that EDC would make available financing at 9.7% per annum.

The terms of this Bombardier/MTA agreement were embodied in an equipment contract signed on June 10, 1982. This contract, which MTA has characterized as the beginning of a period of "exclusive dealing" between MTA and Bombardier, was expressly conditioned on its approval by the appropriate New York authorities and on a satisfactory financing agreement between MTA and EDC. At that time, EDC issued a "Management Letter" in which it was willing to finance 85% of the entire contract price up to a total credit of US $750 million (provided certain Canadian content requirements were met) at an annual rate of 9.7% per annum. Prepayment would be allowed on notice acceptable to EDC.

The details for the financing aspects of the transactions, however, were not completed by June 10 and neither MTA nor EDC had any legally binding obligation at this time to provide or take financing. The primary differences between MTA and EDC which remained to be negotiated concerned details regarding the control of Canadian content requirements; and adequate "debt service reserve" in the event that MTA was unable to make certain payments; choice of law and sovereign immunity questions; "performance bonds" in the event of Bombardier's default; and the refinement of timing, amounts, and restrictions concerning the MTA bonds to be issued for this transaction.

Negotiations finally resulted in EDC and MTA signing a loan agreement on November 15, 1982, the essence of which had been set forth in an EDC offer of October 5, 1982. The November 15 financing agreement provided that EDC would finance 85% of the Bombardier/MTA contract price up to US $750 million (subject to Canadian content limitations) at 9.7% per annum. Drawdowns would coincide with progress payments due upon the periodic shipment of cars to MTA. In exchange, MTA would provide EDC with bonds whose exercise date corresponded with particular drawdowns. The bonds would mature in equal amounts at six-month intervals commencing six months after the final car delivery and ending in 1997. MTA is to pay EDC a loan commitment fee, in addition to other administrative costs, of 0.5% per annum on the unused portion of the $750 million credit available. EDC's obligation to accept MTA's bonds and issue credit is conditioned on MTA maintaining a specified credit rating.

In this case, on June 10 the EDC export credit financing arrangement included five different and mutually exclusive elements of possible value bestowed by the Government of Canada and of economic benefit to Bombardier, Inc:

1. MTA's opportunity to finance at 9.7% has an *intrinsic value* since interest rates commercially available to MTA on June 10 were higher than the EDC interest rate offer.

2. MTA's ability to use or not use the fixed-rate EDC financing throughout the contract performance period, regardless of future interest rates, adds an *option value.*

3. The *commitment of EDC to make up to $750 million available* for this sale/purchase (regardless of interest rate) has a value which is reflected in the commitment fee charged by EDC.

4. *EDC's assumption of the cost of the interest charges* Bombardier would have incurred to obtain comparable financing also has a value. If the MTA's EDC Class Bonds were considered fully negotiable on June 10 by EDC, the value is the cost of financing the commitment to provide an option; otherwise, if non-negotiable, the value is the higher cost of carrying MTA's non-negotiable 9.7% promissory notes until maturity.

5. The financing arrangement denominated in the U.S. dollars has potential value in that it could expose the financing arrangement to a *foreign exchange risk* which is assumed by EDC on Bombardier's behalf. However, if the MTA EDC Class Bonds denominated in U.S. dollars were considered fully negotiable on June 10 by the EDC, there is no exchange rate risk assumed on Bombardier's behalf since the U.S. dollars required for the financing could be procured through the sale in U.S. dollars of negotiable MTA bonds.

The Department views these elements of export credit financing provided at preferential rates by governments to

foreign producers, manufacturers, or exporters as potentially conferring a countervailable benefit directly or indirectly on the producer or exporter itself. This view is shared by other governments. For example, in Annex IV of a discussion paper on "Proposals on Import Policy" published by the Department of Finance of Canada, a subsidy is defined as including:

> * * * any financial or other commercial benefit that has accrued or will accrue, directly or indirectly, to persons engaged in the production, manufacture, growth, processing, purchase, distribution, sale, export or import of goods in or from a country other than Canada * * *

In our preliminary determination, we treated the financing offered by EDC as though it were a loan which Bombardier could have otherwise provided based on its own credit. Accordingly, we measured the countervailable benefit as the difference between the interest rates Bombardier would have paid for an equivalent amount of credit form commercial lenders and the interest actually charged by EDC.

Based on information presented since our preliminary determination, however, we have changed our analysis somewhat. Although we continue to value the benefit bestowed by EDC in terms of costs Bombardier has not had to incur, the resalability of the bonds MTA will exchange for EDC credits has minimized, but not eliminated, the importance of Bombardier's ability to borrow money.

Since this export credit financing is considered to be at rates below the commercial benchmark for a comparable financing arrangement, we are required by the Act, and permitted by Article 4(3) of the Subsidies Code, to countervail the full amount of the subsidy. Consequently, we determine that this financing arrangement confers an export subsidy within the meaning of the countervailing duty law.

Calculation of Export Credit Financing Benefits

The amount of subsidy conferred by the financing arrangement is calculated by comparing what Bombardier would pay in market rates to a commercial entity on June 10, 1982, in order to make available to MTA a financing arrangement similar in terms and conditions to the EDC financing arrangement.

Calculation of the subsidy conferred by this export credit financing depends on two key determinations. First, we have determined that EDC conferred the benefits of its eventual financing of this project on Bombardier on June 10, 1982. Therefore, all calculations are made from a June 10 perspective. We have chosen this date because it represents the date on which MTA entered into a course of exclusive dealing with Bombardier, based in large part upon the prospect of 9.7 percent EDC financing. Second, based on documents dated June 10 or earlier, it is reasonable to assume that EDC and MTA anticipated that the financing would be based on the transfer of resalable MTA bonds (and therefore was not simply a loan).

Since we consider MTA's bonds to have been completely negotiable by EDC on June 10, MTA's (rather than Bombardier's) commercial borrowing experience is relevant to the Department's valuation of the benefit conferred by MTA's right to finance at 9.7 percent on June 10. With respect to all other elements of possible value of the financing arrangement, however, the Department considers the basis for the benchmark for establishing the amount of the benefit to be the commercial financing terms available to Bombardier on June 10 under terms and conditions comparable to EDC's offer.

In each of our calculations, we considered only that amount of EDC financing which covers the present costs expressed in the equipment contract; that is 85 percent of $659 million, or $560 million. Since Bombardier and MTA have agreed to adjust the price to reflect cost escalation under the contract, the amount loaned by EDC at preferential rates may increase up to $750 million. If this occurs, the amount of the subsidy calculated in this determination will be adjusted accordingly in the course of an annual review under section 751 of the Act if a countervailing duty order is ultimately issued as a result of this investigation.

1. The Intrinsic Value

The Department calculated the intrinsic value conferred by EDC's offer to MTA of an option to borrow at a fixed rate by considering the value of a series of drawdowns at 9.7% interest. Basically, at each of the scheduled deliveries during the period of performance under the June 10 contract (1982–1987), MTA could make 85% of the payment to Bombardier by borrowing from EDC AT 9.7%. Therefore, the Department calculated the intrinsic value of the financing subsidy by calculating the differences between the EDC interest rate of 9.7% and the market value of an issue by MTA of equivalent financing on June 10, 1982, of fully negotiable EDC Class Bonds. The Department considers the interest rate to MTA to be the benchmark for this element of valuation. To represent interest rates commercially available to MTA on June 10, we used interest rates or yields based on a study of interest rates for similar tax-exempt securities for the period one week before to one week after June 10. In this connection, consideration was given to MTA's credit standing and the terms and conditions of the EDC Class Bonds, including the fact that these bonds are callable.

The Department calculated the present value of the difference between the preferential EDC financing rate and the MTA bond yields using the yields of a risk-free security, represented by U.S. treasury bills of equivalent maturities. The Department adjusted the present value of this differential to take account of selling expenses, and obtained an intrinsic value of the underlying security (which is the value to MTA of EDC's agreement to take as repayment negotiable MTA bonds at a rate of 9.7% for the period of performance under the contract). The intrinsic value of the EDC financing on June 10 equalled $65.229 million.

2. Option Value

MTA's right to use or not use at various future dates the available EDC financing at a fixed interest rate, regardless of the interest rates then prevailing commercially, has substantial value since MTA retains considerable flexibility in financing and will use the financing only when advantageous. The Department calculated the value of the benefit related to MTA's right not to put its bonds with EDC by computing the price of the nine options in the financing arrangement that were purchased to coincide with the nine delivery dates. (These are known as "European" type options; i.e., they can only be exercised at a specific time coincident with the dates of the drawdowns under the terms of the railcar purchase contract, as opposed to "American" type options which can be exercised at any time up to a specified date.) Each option price was calculated using the intrinsic value of each underlying security issue and calculating a variability around this intrinsic value over time. The variability of the intrinsic value of each option ranged between three and five percent per month. This methodology follows an analysis known as the Black-Scholes model, which is frequently used in financial markets to calculate the value of options. This option value for this financing is $16.237 million.

3. Administrative Expenses

Because MTA paid more than the commitment fee that would have been charged had this been a commercial

transaction, we subtracted from the total option price the difference between the actual commitment fee paid by MTA (.5%) and its commercial benchmark (.25%). Since all other administrative expenses borne by MTA and Bombardier were determined to be at the commercial level, further adjustments were not required.

4. Interest Charges Bombardier Would Have Incurred To Obtain Comparable Financing

Next, the Department calculated the additional benefit EDC bestowed on Bombardier by essentially financing the amount of the total option price at no cost. Since the EDC did not charge Bombardier any amount for this financing, the value of the subsidy EDC conferred upon Bombardier is increased by the financing costs Bombardier would have paid to borrow the amount necessary to pay the total option price.

As a general rule, when preferential financing is provided to one or several firms on terms that are not generally available to other enterprises in a country, we use the company's actual commercial credit experience (e.g., a contemporaneous loan from a private lender) as the relevant benchmark, as opposed to a national cost of capital which is used as the benchmark when preferential financing is generally available. The preferential financing offered by EDC in this transaction is not generally available because it is tied to an export credit package which is in derogation from the Arrangement on Guidelines for Officially Supported Export Credits of the Organization for Economic Cooperation and Development (OECD Arrangement). Other export credits offered by EDC generally conform with the OECD Arrangement. (The EDC/MTA agreement of 9.7% for up to 15 years derogates from the OECD Arrangement both in terms of interest rates and duration.)

Therefore, in this calculation, the Department used the interest rate commercially available to Bombardier on June 10, 1982, for the amounts of the financing arrangement at-risk during the period of performance under the contract. Since Bombardier had no contemporaneous borrowing experience for June 10, the Department used, as a surrogate, taxable triple-B corporate securities with maturities equal to the time Bombardier would have needed to finance the option price. This results in an additional subsidy of $12.219 million.

5. Exchange Rate Exposure

Since we have assumed that the MTA bonds contemplated when EDC conveyed a subsidy to Bombardier on June 10 were intended to be completely resalable, no exchange risk could have existed. Therefore, no further benefit was conveyed as a result of any assumptions of exchange risks.

As a result, the total present value benefit conferred upon Bombardier on June 10 by EDC's willingness to provide MTA with export credits at below commercial terms equals $90.882 million. When allocated over the entire contract, the subsidy from the EDC financing amounts to $110,160 per rail car.

B. *Federal and Provincial Regional Grants.* The Department of Regional Economic Expansion (DREE), which was created in 1969 by the government of Canada, is responsible for administering several statutes which include the Department of Regional Economic Expansion Act and the Regional Development Incentives Act. Under the DREE, grants are provided to industries to encourage growth in various Canadian regions.

In its response, Bombardier has indicated that its Mass Transit Division has received several grants from the DREE. Since the Department has consistently held that regional development benefits are countervailable, we have determined that a portion of these regional grants are subsidies within the meaning of the countervailing duty law.

Bombardier has also indicated that its Mass Transit Division has received provincial grants from the Quebec Industrial Development Corporation (SDI), a corporation established pursuant to the Quebec Industrial Development Assistance Act. SDI provides various forms of financial assistance within the province of Quebec. Such financial assistance was received by Bombardier in connection with certain contracts to manufacture various types of passenger railcars. Bombardier has indicated that certain equipment bought with these grants is used for the production of railcars within the scope of this investigation. Since these provincial development benefits are not generally available, we have determined that these provincial grants are subsidies within the meaning of the countervailing duty law.

Calculation of Federal and Provincial Regional Grant Benefits

The subsidy rate for these programs is calculated according to the Department's usual methodology for grants. As indicated in several recent determinations, our allocation technique is a present value analysis, based on the concept that a sum of money to be received in the future does not have the same value as that sum received today. The present value of any series of payments under these programs is calculated using a risk-free discount rate. For this rate, we used the average bond yields of Canadian government securities with maturities of over 10 years during the first half of 1982. In the absence of a Canadian railcar industry standard, we have examined the useful life of assets carried on Bombardier's books and find that they are reasonable in light of standard depreciation studies conducted for the railcar industry in the United States. We computed the subsidy to Bomdardier to be $405 per railcar.

Program Determination Not to Confer a Subsidy

We have determined that a subsidy is not being provided to Bombardier under the following guarantee arrangement.

The June 10 railcar purchase contract between MTA and Bombardier provides that Bombardier is to furnish MTA a guarantee agreement for the performance of Bombardier's obligations under the contract and for any damages incurred as a result of Bombardier's breach of the contract. On November 15, Bombardier agreed to pay EDC to guarantee MTA that EDC would pay up to U.S. $200 million if Bombardier was either in material default under the contract or became insolvent. A subsidy arises to the extent that the fee paid to EDC by Bombardier to purchase this guarantee does not at least equal the market value of the same guarantee Bombardier could have obtained from a commercial guarantor.

On the basis of information in the record of this investigation, it appears that this guarantee was purchased by Bombardier at a fee exceeding the amount which it would be reasonable to expect a commercial surety underwriter to charge for a comparable guarantee. Therefore, we determine that this guarantee does not confer a subsidy within the meaning of the countervailing duty law since it is not provided at a preferential rate.

Comments of Budd, Bombardier, and MTA

1. In supporting the Department's preliminary determination, Budd contends that the appropriate interest rate against which to compare the subsidized financing offered by the EDC is the commercial interest rate available to Bombardier in Canada in finance a comparable transaction under terms identical or most similar to those offered by EDC.

Bombardier, on the other hand, contends that established Departmental

practice measures subsidies resulting from preferential financing exclusively in terms of the commercial, interest rates available to the *recipient* of the preferential loan. Accordingly, since MTA rather than Bombardier is the recipient of the EDC financing, Bombardier asserts that the Department erred in measuring any subsidy resulting from the EDC financing in terms of commercial interest rates available to Bombardier. Rather, MTA's interest rate is the correct benchmark. MTA also contends that Bombardier's ability to borrow is irrelevant to our calculations.

DOC Position

The Department's function is administering the countervailing duty law is to measure what, if any, preferences are provided directly or indirectly with respect to the manufacture, production, or exportation of the investigated merchandise. This is calculated in terms of the non-commercial advantage that the foreign manufacturer, producer, or exporter receives as a result of a preferential treatment. Therefore, any benefit accruing to Bombardier as a result of the EDC financing must be measured in terms of the commercial realities confronting Bombardier.

The administrative practice referenced by Bombardier—that is, where the benefit is measured in terms of the commercial interest rates available to the loan recipient—relates to cases involving only two parties: the lender, and the foreign manufacturer, producer, or exporter. This case, however, involves a third party—the purchaser, MTA—which has contracted with EDC to finance the transaction. Thus, the word "recipient" used in the two-party transactions to describe the beneficiary of the subsidy (who also receives the financing) has a different meaning in this case because the underlying financing arranagements are wholly distinct. Nevertheless, the principle applied in the two-party transactions—of measuring the benefit of the preference in terms of the commercial realities confronting the beneficiary of the foreign subsidy (which in the two-party cases happens to be the loan "recipient")—has equal applicability to this case.

In both the preliminary and the final determinations, the Department has consistently followed the practice of calculating the amount of a subsidy by comparing the value of the terms and conditions of the EDC perferential financing arrangement with MTA to the value of the equivalent financing arrangement Bombardier could have arranged with MTA, absent EDC's intervention. The Department's evaluation of the EDC financing arrangement uses appropriate non-subsidized benchmarks available to Bombardier.

This final determination, however, takes into account the value implicit in MTA's EDC Class Bonds, which are fully negotiable and resalable either by EDC, or by Bombardier had it chosen to take the bonds itself. Therefore, in valuing the element of the financing arrangement which relates to the extension of EDC credits with a take-back of MTA bonds, the Department looks to an appropriate non-subsidized tax-exempt interest rate as the interest rates against which to compare the subsidized financing offered by EDC.

2. Budd urges the Department not to use the options pricing methodology to determine the value of the EDC commitment because it fails to assess properly the value of the commitment to Bombardier, the one entity most vitally concerned with the financing. Rather, petitioner supports the Department's preliminary determination and contends that the value of the subsidy was properly calculated in accordance with the Department's established methodology.

DOC Position

The Department attempts to value countervailable benefits in such a way as to reflect the terms and conditions of the preferential government program which bestows the benefit. The Department found that EDC's export credit financing arrangement associated with the Bombardier sale of railcars to MTA is unique in several respects. On the particular facts of this investigation, we do not believe that use of a simple loan methodology is appropriate. The most important conditions in the EDC financing arrangement are the commitment to offer financing at a fixed interest rate over the period of performance under the contract (which MTA may or may not use depending on the commercially available interest rates on the dates of the drawdown) and the negotiability of the EDC Class Bonds, whether taken back by the EDC or, constructively, Bombardier. Therefore, the Department has taken these conditions of the financing arrangement into consideration, and concluded that use of the options pricing methodology outlined above is preferable in this investigation. The EDC export credit financing terms and conditions specify, in essence, that the MTA has the *option* to use the line of credit offered at 9.7% for the period of performance under the Bombardier contract. The Department concludes that the value of this option to borrow includes the value accruing to the option holder of the right of flexibility to borrow only when interest rates are greater than 9.7%. Therefore, the options pricing methodology offers the Department the most appropriate method for valuing the EDC financing arrangement.

As noted in the discussion of the EDC financing above, the Department has significantly modified the methodology applied in the preliminary determination in calculating the value of any subsidy resulting from the EDC financing. However, the Department's general frame of reference of measuring the benefit in terms of the actual commercial benefit accruing to Bombardier has not changed.

3. Bombardier contends that the Department's option pricing methodology, "rather than evaluating the worth of the financing itself is, in substance, an attempt to measure and quantify alleged injury to the Budd Company, a function reserved exclusively to the International Trade Commission."

DOC Position

As noted above, the EDC financing itself has several basic components including the "intrinsic value" and the "option value." Bombardier's comparison of the option value to some type of injury analysis appears to result from a misunderstanding of the principles underlying the options pricing methodology. Actually, the "option value" simply reflects one component of the benefits which EDC conferred upon Bombardier by agreeing to accept certain risks on Bombardier's behalf; otherwise Bombardier would have had to purchase such a benefit at commercial rates. It in no way reflects any injury Budd may have suffered as a result of either the EDC financing or the entire transaction.

4. Respondent contends that the use of the options pricing methodology deprives it of due process of law becuase such an analysis represents a departure from the settled and long-established method of valuing the subsidy conferred by a preferential loan. Specifically, Bombardier contends that this new methodology will in essence be implemented retroactively, thus denying Bombardier the right to rely upon a settled administrative interpretation of the Act. Moreover, Bombardier claims it and the public have been denied a meaningful hearing after the Department announced its methodolgy, bnecause they lacked sufficient time to challenge the methodology and to present

evidence with respect to it. Finally, Bombardier asserts that the valuation of the EDC financing under the options pricing method would not and could not be measured objectively, but rather requires an impermissible and unfair subjective assessment.

DOC Position

The Department has applied to this case its consistent administrative practice of measuring the value of the subsidy to the foreign producer, manufacturer, or exporter. Since the facts in this case are significantly different from the case of a simple loan, the Department adopted a methodology appropriate to measure the benefit in this case.

Similar arguments that the Department could not apply new modes of analysis retroactively were made in countervailing duty investigations involving certain steel products from various countries. In those cases, several parties contended that new methodologies could not be used in the absence of proper rulemaking procedures. There, the Department responded:

> Decisions as to the use of such methodologies are not matters requiring rulemaking procedures, but are questions of policy left to the judgment and discretion of the Department and decided on a case-by-case basis, applying the law, as we understand its requirements and intent, to the facts of each case. While the Department could prescribe such methodologies in its regulations, we have not chosen to do so. Unless and until that occurs, no rulemaking procedures can be considered necessary before changing prior methodologies. At the outset of these investigations, respondents may have anticipated that certain prior methodologies would be employed in place of ones actually used, but they have no legal right to the maintenance of such prior practices.
>
> *Final Affirmative Countervailing Duty Determination: Certain Steel Products from Belgium*, 47 FR 39304, 39329 (1982).

Such reasoning applies to this case as well. From the breadth and complexity of the Department's responsibilities under the Act in investigating and quantifying a disparate assortment of subsidy practices, Congress obviously has intended that the Department be given a reasonable opportunity to formulate a methodological approach to deal with a particular case. Otherwise, the Department could not counteract future subsidy practices that present methodologies are inadequate to analyze.

Regarding Bombardier's argument that the announcement of the new methodology after our preliminary determination was published deprived it and the public of a meaningful opportunity for a hearing, it appears that Bombardier has misunderstood the purpose of hearings in countervailing duty investigations, which is to develop a factual record during a proceeding. From the legislative history, it is clear Congress intended that hearings be conducted to allow presentation of information and views and, in particular, to allow participants an opportunity to respond to information submitted by other parties. Furthermore, the hearing need not be held after a preliminary determination. Rather, the statute and legislative history clearly permit the hearing to be held *any time* prior to a final determination.

In this investigation, the Department clearly allowed members of the public to present factual views. MTA is not an interested party in this investigation. Like the interested parties, however, MTA was allowed to participate fully. In fact, it presented exhaustive testimony and affidavits before, during, and after the hearing regarding the options pricing analysis. Its briefs and presentation at the hearing exceptionally long and detailed.

Finally, regarding Bombardier's claim that our methodology is too speculative, our analysis applies generally accepted and practiced financial analysis which is supported by substantial evidence on the record. Furthermore, we believe our interpretation of the Act in these circumstances accords with the law.

5. MTA claims that it should be deemed to be an interested party in this investigation because it is contractually obligated to pay potential countervailing duties attributable to the EDC financing. As authority for this proposition, MTA cites *Pasco Terminals, Inc. v. United States*, 567 F. 2d. 976 (C.C.P.A. 1977), which held that an agent who paid antidumping duties owed by its principal had standing to sue under former section 514 of the Act. MTA claims it is similar to the plaintiff in *Pasco Terminals* because it is contractually obligated to pay any countervailing duty which arises as a result of the EDC financing.

DOC Position

Section 771(9) of the Act limits the term "interested party" to five categories of entities. MTA does not qualify as an interested party under any of the five categories.

Furthermore, *Pasco Terminals* is irrelevant because that case involved a completely different provision of the Act, former section 514(b)(1), under which "the importer, consignee, or any authorized agent of the person paying" certain duties could file a protest. Plaintiff sought to recover antidumping duties it had paid on behalf of another party. Finding plaintiff to be the agent of the person owing the duties, the court reasoned that since an agent would have standing under section 514 to recover duties paid by its principal, plaintiff should also have standing to recover duties paid by the agent on behalf of the principal.

Section 514 has no bearing on this investigation. Indeed, it was amended in 1979 to exclude countervailing and antidumping duties from its coverage. *See* section 514(b) of the Act. Moreover, even if MTA were a "consignee * * * or * * * authorized agent" of a person who might owe duties as a result of this investigation (by virtue of MTA's contractual obligation to pay countervailing duties attributable to the EDC financing), section 771(9) contains no language similar to that found in section 514. Therefore, MTA is simply the purchaser from an interested party and not an interested party in its own right. Had Congress intended for the definition of "interested party" to extend beyond Bombardier to persons like MTA, it certainly would not have defined the term in such a deliberate and specific manner.

6. MTA also submits that it has been denied due process as a result of the Department's failure to accede to several procedural requests. Specifically, MTA requested an opportunity to cross-examine witnesses at the hearing, to question experts employed by the Department, to review information the Department will rely upon in reaching its final determination, and to review and comment upon the Department's final determination before it is issued.

DOC Position

It is clear from the statute and the legislative history of the Trade Agreements Act of 1979 that Congress intended for countervailing duty proceedings to be nonadjudicatory in nature and that hearings held in the course of such proceedings were not subject to the formal procedural requirements of the Administrative Procedure Act. Rather, Congress was concerned that the hearing permit a full presentation of information and views, and that hearing participants be given a reasonable opportunity to respond to information submitted by other parties. We believe that these objectives have been more than satisfied with the opportunities for a hearing and written comments provided in this proceeding. These procedures are consistent with court opinions holding that the right of

confrontation does not obtain in administrative contexts similar to this.

Regarding the request to review all information upon which the Department may rely in reaching its final determination, MTA—even though it is not an interested party—has been given access to all non-confidential information submitted by parties to the proceeding. Access to confidential information, however, may be obtained only with the express consent of the party submitting that information, since MTA is not an interested party. Of course, access to internal Departmental memoranda of a privileged nature is also denied.

Finally, the significant amount of difficult analysis and calculations the Department must perform in this case and our strict statutory time constraints make it administratively impossible to grant MTA's request to review and comment upon our final determination prior to its issuance. Nothing suggests that Congress ever intended, or indeed could have conceived of, a requirement that the Department make drafts of its determinations available to parties (or, in the case of MTA, a non-party) for review prior to publication.

7. Bombardier states that the date upon which the financing subsidy should be valued is October 5, 1982, when MTA and EDC reached agreement on financing. In support of its position, respondent indicates that the law mandates that a subsidy is regarded as having been bestowed only as of the date its receipt becomes certain. *See Michelin Corp. v. United States*, —CIT—, 3 IRTD 1177, 1184 (CIT 1981).

Moreover, MTA contends that the facts show equally conclusively that the first date on which EDC and MTA reached an agreement on the essential terms of the financing was October 5, 1982; prior to that date, the parties had not agreed on basic terms, and disagreed over fundamental matters such as Canadian content, which could affect the amount of the loan and interest rate and could have aborted the entire transaction.

Bombardier argues that the contingent option, which amounted to no more than an expression of interest by EDC about the possibility of providing financing on June 10, could have no value as a matter of economics, simply because there were no legal rights conveyed at that time.

DOC Position

Contrary to Bombardier's understanding, the Department's focus is not and need not be on the date on which MTA and EDC concluded a legally binding contract concerning financing terms. Rather, we are concerned with the date on which it becomes clear that Bombardier received benefits from EDC as a result of EDC's willingness to finance a transaction between Bombardier and MTA. We have determined that such an event occurred on June 10, 1982, the date on which the Bombardier/MTA equipment contract was signed.

MTA states that June marked the beginning of a period of "exclusive dealing" between itself and Bombardier. (From evidence submitted by MTA and Bombardier, it appears that this exclusively was based on large part, if not solely, on the availability of EDC financing. Without such financing, Bombardier's bid would not have been competitive with other bidders offering comparable merchandise. Our finding that June 10 was the appropriate date for measuring the benefit, however, does not rest on the relative importance that the EDC financing played in winning the contract.) Although we agree it was uncertain on June 10 whether the transaction with MTA would eventually be consummated, it was clear from at least June 10 that EDC financing would be part of any Bombardier "package" of merchandise, terms, conditions, and financing that MTA would ultimately agree to purchase.

With regard to the possibility that the appropriate date could be earlier, the Department has determined that the combination of EDC's willingness to contribute a part of the Bombardier package and the likelihood that the MTA would agree to make a contract is too tenuous prior to June 10. Although there had been an agreement in principle between MTA and Bombardier on or about May 18, 1982, the agreement was not committed to writing until June 10, at which time Bombardier and MTA signed an equipment contract and EDC also made a financing proposal in a "Management Letter" to MTA. Thus, we believe that June 10 is the appropriate benchmark date since EDC conveyed a benefit to Bombardier on that date as a result of Bombardier being able to "oust" its competitors from the negotiations with an offer based largely upon EDC's willingness to finance the transaction.

8. MTA contends that the principal reason for the Department's consideration of the options pricing methodology has no validity in this case due to the fact that the volatility premium is not applicable. In support of this position, MTA contends that given the full call right, the Black-Scholes options pricing methodology has no applicability.

DOC Position

The Department has examined MTA's right to call its EDC Class Bonds and its concomitant right to put the bonds under the terms and conditions of the EDC financing arrangement. The Department finds that EDC has agreed to give two separate and valuable rights to MTA. First, MTA's right to use EDC's line of credit only when future interest rates make it advantageous to MTA has an option value. Second, MTA's right to exercise the par-call feature of the EDC Class bonds when the bonds are issued to EDC has an additional value; because it allows MTA to avoid redeeming the bonds from any investor at any value other than par. Therefore, the Department has concluded that the existence of the par-call feature does not reduce the validity of the options pricing methodology.

9. Bombardier contends that the error of applying an options pricing methodology can easily be seen by examining the French financing offer which, on June 10, 1982, was roughly equivalent to and no less firm than the EDC "offer." According to Bombardier, on that date, both the Canadian and French proposals ousted Budd from further consideration. Bombardier claims that under the options pricing analysis it is irrelevant who wins the contract and whether any money actually changes hands, because only the existence and value of the option at a specific point in time are at issue. Respondent indicates that this demonstrates why this type of methodology has no application in valuing export financing.

DOC Position

As discussed in the DOC position to comment 7, the Department has determined that June 10 is the appropriate date for valuing the subsidy conferred upon Bombardier by EDC. Had Bombardier been unsuccessful in obtaining a contract from MTA, as Francorail was regarding the same 825 R-62 railcars, the amount of benefit conveyed by EDC on that date would not change. All that would change would be that no merchandise would ever be exported to the United States which benefitted from the EDC's actions, and therefore no countervailing duties would be collected.

The eventual success or failure of an enterprise, like Bombardier, in securing an order when its offer is backed by preferential export credits does not impair the application of the options pricing methodology in assessing the value of that preferential financing at a

point in time. In this case, the preferential benefit was part of an offer that was fruitful and will therefore be countervailed if the ITC makes an affirmative determination of injury; in other situations where no merchandise which benefits from an offered export credit is exported, no countervailing duties will be collected.

10. Bombardier claims that any subsidy attributable to the EDC financing arrangement should be calculated in relation to only 85% of the contract price, which represents that portion of the transaction financed by EDC.

DOC Position

We agree. Our analysis of the EDC aspect of the transaction assumes that 85% of the value of the contract on June 10, 1982 (85% of $659 million, or $560 million) will be financed by EDC. If either the contract price or the percentage financed change, and if this investigation results in the issuance of a countervailing duty order, appropriate adjustments will be made to the estimated duty deposit rate in the course of future administrative reviews under section 751 of the Act.

11. MTA contends that due to conditions agreed to on June 10, 1982, the aggregate amount of benefit cannot be known until Bombardier attempts to produce and deliver railcars between 1982 and 1987. MTA further contends that the amount of the subsidy should be reduced by a "factor for risk of failure" to meet conditions of the transaction specified by the parties.

DOC Position

The Department bases its valuation of the subsidy on the terms and conditions in the car purchase contract and the financing arrangement on June 10, 1982. Since Bombardier and MTA agreed to adjust the price to reflect cost escalation under the contract as deliveries proceed, the Department has valued the subsidy at the pre-escalation contract value of $659 million. If escalation occurs, the amount of the subsidy calculated in this determination will be adjusted accordingly in the course of an annual review under section 751 of the Act if a countervailing duty order is ultimately issued as a result of this investigation. In like fashion, the other conditions noted by MTA as a basis for a factor of reduction could be a basis for adjustment of calculation under section 751.

12. Bombardier and MTA contend that only the value of the Canadian content involved in this transaction (that is, 60 percent of the total contract value) may be countervailed. They claim that of any subsidy Bombardier receives regarding the transaction, 60 percent should be attributed to Canadian content and 40 percent to other content. Consequently, they argue that the Department may countervail against only 60 percent of the total subsidy. Moreover, MTA contends that the law could not properly be constructed to impose a 100 percent duty where foreign content was only 1 percent of the cost of the subsidized product and the United States content was 99 percent.

DOC Position

Our mandate under the countervailing duty laws is to neutralize the entire benefit arising from a subsidy. The subsidy conveyed by EDC through its export credit benefited the entire transaction, not just that portion sourced in Canada. Therefore, we must countervail against the entire value of the preferential export financing and not just that which might be allocable to the Canadian content in this case.

13. Bombardier also contends that the railcar shell will be the only significant component that will be imported into the United States and that only the value of that component should be subject to countervailing duties.

DOC Position

We are aware that the railcar shell may be the only major component that will be imported. We must, however, collect countervailing duties that will neutralize the entire amount of the subsidy. In some cases this can be accomplished by means of an *ad valorem* duty. In this situtation, however, where the exact value of the shell is unknown, but the number of units that will benefit from the subsidy is fixed, a specific rate of duty is a more appropriate means for neutralizing the entire non-commercial benefit resulting from the subsidy. Therefore, the value of the shell, or any other imported component, is irrelevant. Instead, the shell serves as merely a means for collecting appropriate amounts of countervailing duties as the merchandise is delivered.

14. Bombardier claims this case is premature and should be dismissed since it is unclear exactly which components will be imported and which will be sourced domestically. Until these additional facts are known, Bombardier contends that there is no rational basis for making a like product determination. Bombardier also argues that the Department's vague product definition, which includes subway car components, has the unfair result of denying Bombardier the opportunity to prove to the ITC that there has been no material injury as to particular components which Bombardier does not now know will be imported. Bombardier contends that the Department is obligated to define properly and to identify specifically all like products. The Department's alleged failure to do so in this case has required Bombardier to defend a case which, except for railcar shells, is premature.

DOC Position

The question of what is or is not a "like product" is relevant to the definition of the term "industry," which in turn relates only to the question of whether imports of a class or kind of merchandise are materially injuring or threatening to materially injure an industry in the United States. As such, identifying which products are "like products" is a question the Department cannot answer; rather, jurisdiction over such issued lies exclusively with the ITC. We merely note that the ITC has preliminarily determined that railcars from Canada are causing or are likely to cause injury to a U.S. industry (47 FR 36042), and offer no views of our own on this subject.

If insufficient information is available regarding the issues fo material injury, then the ITC could terminate the proceeding at the time of its preliminary or final determination. Clearly, the Department cannot assume the ITC's role in such matters by not pursuing an investigation because some questions exist regarding "like product."

Instead, we believe that the issues addressed in this proceeding are ripe for investigation at this time. Transactions such as this require substantial lead time between the negotiation of a sale, production of the merchandise, and actual delivery. To provide the type of swift and effective relief from unfair international trade practices envisioned by the drafters of the countervailing duty laws, the Department must be able to investigate alleged unfair trade practices once it becomes apparent that a particular import will benefit from subsidies. This approach provides domestic industries with meaningful relief and also lessens uncertainty in the marketplace. Under any other approach, the effectiveness of the countervailing duty law in such transactions could be largely eviscerated.

15. Bombardier and MTA contend that MTA's interest rate is the correct benchmark rate, because there is no factual, legal, or sound policy basis for the Department "arbitrarily" to convert a buyer's credit transaction to an exporter's credit transaction in evaluating the appropriate benchmark.

DOC Position

The Department disagrees that a buyer credit arrangement tied by the government of Canada to the purchase of railcars of a particular Canadian producer, Bombardier, supports the use of MTA's interest rate as the exclusive benchmark rate applicable to valuing the financing arrangement.

The Department has examined the details of the EDC financing arrangement and finds that MTA's borrowing experience is relevant only due to the apparent fact that on June 10 EDC and, constructively, Bombardier, considered MTA's EDC Class Bonds to be fully negotiable and completely resalable and were prepared to accept them as payment for the financing arrangement and the delivery of railcars. In this instance, MTA's interest rate experience on June 10 was relevant and was used by the Department in valuation. The Department looked to the interest rate experience of Bombardier for all other elements of the valuation.

16. Bombardier claims that the DREE and SDI grants are not subsidies, are not countervailable, and, in any event, are *de minimis*. Bombardier asserts that the grants are not countervailable because they are given to encourage capital investment and create jobs in sections of Canada (DREE) or the Province of Quebec (SDI) in which private industry otherwise would not invest because of additional and offsetting costs of doing business in these aras. Further, Bombardier claims that it has not even received a substantial portion of the grants against which the Department is attempting to countervail.

DOC Position

In general, the DREE and SDI grants are functional equivalents, the primary difference being that DREE is offered on a national basis, whereas SDI grants are provincial. DREE grants have long been recognized under the countervailing duty law as being countervailable. *See, e.g., Glass Beads from Canada*, 41 FR 37103 (1976). This practice, along with other administrative interpretations of the term "bounty or grant" under section 303 of the Act, were Congressionally endorsed with the passage of the Trade Agreements Act of 1979. *See* S. Rep. No. 249, 96th Cong., 1st Sess. 84 (1979). Moreover, in enacting section 771(6) of the Act, which defines the term "net subsidy," it is clear that Congress intended that programs such as DREE and SDI be countervailable because Congress specifically stated that offsets for increased costs resulting from government encouraged investments in underdeveloped regions were not permitted. *Id.* at 86. Finally, the Court of International Trade has also concluded that similar Canadian regional development grants are countervailable. *See Michelin Tire Corp. v. United States*, —— *CIT* ——, 3 ITRD 1177 (1981).

Consistent with Departmental practice, we have included in our calculations all benefits bestowed upon Bombardier by the DREE and SDI grants, regardless of whether they have actually been paid. If this investigation results in a countervailing duty order, and it becomes apparent that Bombardier will not receive certain benefits which are presently bestowed, but are as yet unpaid, appropriate adjustments will be made in the course of our annual administrative reviews under section 751 of the Act.

We also disagree with respondent's second claim that these benefits are *de minimis* and are therefore not countervailable. The *de minimis* rule, which provides that subsidies equal to less than 0.5% of the *ad valorem* value of the merchandise are considered *de minimis*, applies to the *aggregate* value of subsidies found to exist in an investigation, not to individual subsidy programs. Since the aggregate value of all countervailable benefits discovered during this investigation clearly exceeds 0.5% of the *ad valorem* value of the merchandise, the DREE and SDI grants are included in the duty deposit rate set in this notice.

17. Bombardier states that the DREE and SDI grants were not given in support of the MTA contract, that the grants date back to projects started in 1974 and involve contracts for the supply of subway cars to such places as Montreal and Mexico City. As a result, therefore, the Department, should not find them to be subsidies.

DOC Position

The subsidy rate of each of these programs is calculated according to the Department's usual methodology for grants. This methodology has been applied in several recent determinations and is explained in detail in Appendix 2 to *Final Affirmative Countervailing Duty Determinations: Certain Steel Products From Belgium*, Fed. Reg. 39316–17 (1982).

18. As a substitute for the Department's preliminary allocations with respect to the DREE and SDI grants, the Bombardier proposes the "length of the station" approach. Under this alternative, a grant is allocated according to the percentage of production capacity devoted to the MTA contract (which Bombardier determined in connection with preparing the bid for the MTA contract). Bombardier claims that such a figure is verifiable and realistically reflects the portion of buildings, equipment, etc. to be used in performance of the MTA contract.

DOC Position

The Department has examined the "length of station" approach. Regardless of whether such approach is verifiable and can reflect the percentage of buildings and equipment which can be used on the MTA contract, we have determined that the revenue distribution method is the more reasonable approach because it more accurately reflects the benefits attributable to particular merchandise than does a statistic reflecting square-footage capacity use.

19. The MTA has suggested that the Department must use as its commercial benchmark the rate specified in the OECD Arrangement, which is above the 9.7 percent interest rate secured by MTA from EDC.

DOC Position

The OECD Arrangement is an "international undertaking" of the type referenced in the second paragraph of item (k) of the Illustrative List of Export Subsidies (the List), annexed to the Agreement on the Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (The Subsidies Code), to which both the United States and Canada are signatories. In discussing export subsidies, item (k) reads as follows:

> The grant by governments (or special institutions controlled by and/or under the authority of governments) of export credits at rates below those which they actually have to pay for the funds so employed (or would have to pay if they borrowed on international capital markets in order to obtain funds of the same maturity and denominated in the same currency as the export credit), or the payment by them of all or part of the costs incurred by exporters or financial institutions in obtaining credits, insofar as they are used to secure a material advantage in the field of export credit terms.
>
> Provided, however, that if a signatory is a party to an international undertaking on official export credits to which at least twelve original signatories to this Agreement [i.e. the Subsidies Code] are parties as of 1 January 1979 (or a successor undertaking which has been adopted by those original signatories), or if in practice a signatory applies the interest rates provisions of the relevant undertaking, an export credit practice which is in conformity with those provisions shall not be considered an export subsidy prohibited by this Agreement.

We reject MTA's contention that the benchmark should be the OECD rate. The EDC financing arrangement was in

derogation of the OECD Arrangement on several points. Therefore, item (k) is not relevant in this investigation, and we need not now address item (k)'s applicability to an export credit transaction which is in conformity with the mimimum interest rate provisions of the OECD Arrangement.

20. MTA further contends that the EDC financing is not countervailable at all because it was simply an attempt under Article 6 of the OECD Arrangement to match a "prior commitment" of 9.7 percent financing offered by France in support of Francorail's bid to MTA. It argues that since the OECD Arrangement allows such matching, the EDC terms were in full compliance with the terms of the Arrangement. Therefore, by using the matching rate of 9.7 percent as our benchmark, no countervailable benefit was conveyed.

DOC Position

Regardless of whether EDC was trying to match a prior commitment under Article 6 of the OECD Arrangement, it is clear that item (k) was not intended to condone export credits offered to match other credits which were in derogation from the minimum interest rate provisions of the OECD Arrangement. Item (k) exempts only "an export credit practice which is in conformity with" the minimum interest rate provisions of the OECD Arrangement from the prohibitions of the Subsidies Code. By contrast, the matching provisions of the OECD Arrangement deal exclusively with offers which are *not* in conformity with the Arrangement. A provision which allows one party to follow the derogation of another cannot somehow make the second derogation into "an export credit practice which is in conformity with" the Arrangement when both offers are identical derogations.

21. If the Department concludes that the EDC financing constitutes a subsidy, MTA contends that the maximum value of such subsidy is $7.5 million (before reduction for the uncertainties involved).

According to MTA, this figure represents the maximum benefit to MTA for the cost to EDC on October 5, the first date on which MTA accepted EDC's binding commitment to lend MTA money on the terms agreed to by both parties.

DOC Position

The Department has reviewed each of the many economic or financial assumptions underlying MTA's valuation and the conceptual arguments for its choice of methodologies to produce the $7.5 million value. As indicated in the calculation of the export credit financing benefit section of this notice, the Department accepted some but not all of MTA's assumptions and methodologies. For example, the Department followed MTA's methodology for calculating the intrinsic value of the MTA EDC Class Bonds (using interest rates commercially available to MTA), except that the Department calculated the implied future rate of interest as the basis for the implied future price of the bonds. The Department also accepted MTA's argument that the EDC Class Bonds were known to be or were considered to be resalable on June 10 and therefore there is no carrying cost to EDC for non-negotiable bonds. In addition, the Department accepted the arguments that since the bonds were negotiable and denominated in U.S. dollars, there was no exchange rate exposure; and that no subsidy was bestowed through the MTA/EDC recourse agreement.

On the other hand, the Department rejected the valuation date of October 5 and used June 10 as indicated in other sections of this notice. The Department also rejected MTA's valuation of the par-call premiun implicit in its yield curve at about .25%, and calculated a par call premium of about .75% as being more representative of the value to MTA of the par-call feature in 1982. The Department also disagreed with MTA's conclusion that the par call feature in the EDC Class Bonds eliminates any options value from the EDC financing package.

In short, the Department is not significantly diverging from the concepts underlying MTA's methodologies and assumptions except in regard to the date, the amount of the par-call premium in the yield curve, and the existence of the option value.

22. With regard to the Department's December 23, 1982 memorandum regarding the use of the options pricing methodology, MTA submits that such an approach should be rejected in cases such as this which involve export financing. Application of such a method would result in the finding of a countervailing duty when the interest rate on the offered export loan was no higher than the prevailing commercial interest rate, so long as the U.S. importer had no obligation to borrow the loan money. The "options" aspect of the loan commitment to the borrower would produce a value derived from the volatility premium. MTA submits that the statute does not provide for imposition of a countervailing duty in such a case, and contends that the option pricing method must be rejected in this case for this reason.

DOC Position

The Department has found that EDC's financing arrangement package has five distinct elements of possible value inherent in it: availability of financing for 85% of the contract price, intrinsic value of the preferential interest rate, the option or right of flexibility to use the line of credit, coverage of the exchange rate risk, and Bombardier's cost of financing the arrangement. All five of these elements of value are potentially countervailable bestowals of benefits by the government of Canada inherent in the export credit financing arrangement. The fact that one element of value is zero (for example, EDC charged Bombardier a commercial, nonpreferential commitment fee for making the financing available to MTA) does not relieve the Department of the responsibility of examining, valuing, and countervailing the other existing elements of the financing arrangement.

23. In the event the Department chooses to value the subsidy on June 10 instead of October 5, MTA submits that any such value must be substantially discounted due to the uncertainty that existed on that date as to whether EDC and MTA could consummate a financing agreement and whether the Bombardier/MTA contract would ever become final. MTA contends that the probability on June 10, 1982, that the EDC financing would ever materialize and that the Bombardier car purchase agreement would go into effect on terms and conditions specified therein was less than 50 percent. This high degree of uncertainty was caused by three special circumstances: (a) on June 10, EDC and MTA had not agreed on the major terms of the financing, (b) on June 10, Bombardier did not have in hand the $200 million guarantee which the car purchase agreement required, and (c) various agencies of the U.S. Government and members of Congress were announcing positions and discussing steps which could have prevented the car purchase agreement from becoming effective, precluded EDC and MTA from reaching agreement on the EDC financing, or penalized MTA in a manner which would have made it imprudent for MTA to proceed with the agreements.

DOC Position

The Department agrees that legal uncertainty existed on June 10, 1982, as to whether EDC and MTA would consummate a financing agreement and whether the Bombardier/MTA contract would become final. The Department does not believe this legal uncertainty

supports any discounting of the subsidy determined to have been conferred by the financing arrangement on June 10, 1982.

The Department contends that it is not likely that EDC would have declined to provide the financing. EDC's sole mission in this regard was to enable Bombardier to win the bid award, thus increasing Canadian exports. The most fundamental terms were already agreed upon by May 14, the date on which EDC sent a "Management letter" to MTA which resulted in an award of a letter of intent from MTA to Bombardier to purchase railcars. The issues which were subject to further negotiation, however intense—such as control of the precise amount of Canadian content of the railcars—were relatively less significant. Moreover, if EDC had subsequently declined to provide financing, there would obviously be no benefit for the Department to value. Moreover, Bombardier had nothing to lose except the contract since it was not itself offering any financing.

24. Assuming that the Department contemplates treatment of the EDC financing offer as a subsidy to Bombardier to be valued on June 10, 1982, MTA contends that there is no commercial manner of placing any dollar value on the EDC arrangements on June 10, 1982, or at any time prior to October 1982. Further, MTA contends that there would be no market price or dollar value for the EDC arrangement prior to October 1982.

DOC Position

The Department has concluded, on the basis of detailed financial analysis, that the financing arrangement had value on June 10, and that the value was preferential and bestowed by the government of Canada. The Department is compelled by law to value the subsidy under these circumstances and accordingly developed a reasonable methodology for valuing the EDC financing arrangements. Moreover, the Department is confident that its methodology—which takes into account the terms and conditions of the financing arrangement on June 10, 1982—is reasonable and supported by substantial evidence on the record.

25. Budd contends that no offset for the excessive commitment fee MTA paid should be allowed because it believes that comparable commitment fees were approximately 0.5%.

DOC Position

Based on the best information available, we determined that the comparable commercial rate for commitment fees on June 10 was 0.25% of the unused portion of available credit. Although Budd has alleged that comparable commitment fees were approximately 0.5%, it has provided no supporting documentation to support this allegation.

Verification

In accordance with section 776(a) of the Act, we verified the data relied upon in our final determination. During verification we followed standard procedures, including inspection of documents, discussions with government officials and on-site inspection of the manufacturer's operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulation (19 CFR 355.35). Also, in accordance with its regulation (19 CFR 355.34(a), a hearing was requested and held and written views have been received and considered.

The Department has decided to continue in effect the suspension of liquidation odered in our preliminary determination only for all entries of finished passenger railcars to be used as subways, and of unfinished passenger railcar shells to be assembled as passenger railcars for use in subways, and not broaden suspension to affect entries of other components.

We are directing Customs to require the posting of a specific estimated duty of $110,565 per finished railcar or unfinished railcar shell in the form of a cash deposit for each entry of the merchandise produced by Bombardier and intended for purchase by MTA. This specific rate of duty represents the sum of the per unit present values of the entire export credit and grant subsidies, to be collected as each finished railcar or unfinished railcar shell enters U.S. Customs territory.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination and make available to it 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 it 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.

(Sec. 705(d) of the Act and § 355.33 of the Department of Commerce regulations (19 CFR 355.33))

Dated: February 4, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-3778 Filed 2-11-83; 8:45 am]

BILLING CODE 3510-25-M

Kraft Condenser Paper From France; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On December 2, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on kraft condenser paper from France. The review covers the only know exporter of this merchandise to the United States, Papeteries Bollore, S.A., certain previously reviewed but deferred sales of one type of paper during the period February 20, 1979 through December 31, 1979, and all sales during the period September 1, 1980 through August 31, 1981.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford or Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On September 21, 1979, the Treasury Department published in the **Federal Register** (44 FR 54696) an antidumping finding with respect to kraft condenser paper from France. On December 2, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 54136-54137) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80% or more by weight chemical sulphate or soda wood pulp based on total fiber content. Kraft

condenser paper is currently classifiable under items 252.4000, 252.4200, and 256.3080 of the Tariff Schedules of the United States Annotated. The review covers the only known exporter of French kraft condenser paper to the United States, Papeteries Bollore S.A., certain previously reviewed but deferred sales of one type of paper during the period February 20, 1979 through December 31, 1979, and all sales during the period September 1, 1980 through August 31, 1981.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that the following margins exist:

Product type	Time period	Margin (percent)
Dried KCT for metallizing, 1.17 air dry density, 1% or less moisture content, 500mm or more in width, 8-10 microns in thickness	02/20/79-12/31/79	12.8
	09/01/80-08/31/81	0
All other	09/01/80-08/31/81	0

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the first time period. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, because there are no margins for the later review period, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in section 353.48(b) of the Commerce Regulations, on any shipments of French kraft condenser paper 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 September 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

(Sec. 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Dated: February 8, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-3901 Filed 2-11-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Republic of the Philippines Under a New Bilateral Agreement, Effective on January 1, 1983; Correction

February 9, 1983.

On December 29, 1982 notice was published in the **Federal Register** (47 FR 57986) which announced the import restraint levels for certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1983, under the terms of a new bilateral agreement. The sublimit for Category 631 was inadvertently omitted from the letter to the Commissioner of Customs which followed that notice and should have been indicated as follows:

Category	12-mo level of restraint
631	1,700,267 dozen pairs of which not more than 200,000 dozen pairs shall be in T.S.U.S.A. Numbers 704.8520, 704.8550 and 704.9000.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile and Agreements.

[FR Doc. 83-3945 Filed 2-11-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 7, 1983.

The USAF Scientific Advisory Board Strategic Cross-Matrix Panel will meet at the Pentagon, Washington, DC on March 17, 1983. The purpose of the meeting will be to determine the Cross-Matrix Panel's input and responsibility at the Spring General Meeting on Strategic ₃. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m.

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 202-699-8845.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83-3851 Filed 2-11-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

February 7, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on EF-111A Capability upgrade will meet at the Pentagon, Washington, DC on March 8-9, 1983. The purpose of the meeting will be to review the ASD EF-111A studies and the planned Air Force upgrade strategy. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m.

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 202-679-8845.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83-3852 Filed 2-11-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Macmillan Oil Co., Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Macmillan Oil Company, Inc., of Des Moines, Iowa.

The Proposed Remedial Order charged this company with pricing violations in the amount of $383,268.33 plus accrued interest in sales of propane, No. 2 fuel oil and Nos. 5 and 6 residual fuel oil during the period of November 1, 1973 through April 30, 1974.

A copy of the Proposed Remedial Order, with confidential information

deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Mo., on the 1st day of February 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-3915 Filed 2-11-83; 8:45 am]

BILLING CODE 6450-01-M

Sabine Refining & Trading Co., Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Sabine Refining and Trading Company, Inc., Clyde E. Wilson, and Stuart Van Eman, 8401 Westheimer, Suite 273, Houston, Texas 77063. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.183, 212.186, 210.62, and 205.202. The principal amount of the alleged violation of 10 CFR 212.186, 210.62, and 205.202 for the period May through August 1980 is $3,834,341.26. The principal amount of the alleged alternative violation of 10 CFR 212.183 for the period May through August 1980 is $3,593,396.00.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. In accordance with 10 CFR 205.193.

Issued in Houston, Tex., on the 1st day of February 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-3916 Filed 2-11-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP83-171-000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Application

February 9, 1983.

Take notice that on January 25, 1983, Arkansas Louisiana Gas Company, a Division of Arkla, Inc., (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83-171-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of taps on certain jurisdictional gas pipelines and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate taps on the lines identified below adjacent to the described homes and business establishments:

Line	Home or business establishment
F-30	David Cedric Smith, Bienville Parish, Louisiana
H	Charles D. Johnston, Union Parish, Louisiana
A-51	Billy Ray Berry, Marion County, Texas
AM-151	Ernest Fred Southerland, Little River County, Arkansas

It is stated that the gas supply for these customers would be from general system supply with impact on Applicant's supply being negligible.

Applicant asserts the cost of the proposed facilities to be $5,180 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 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 Procedures (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 the 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 sotherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3921 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-165-000]

Columbia Gulf Transmission Co.; Application

February 9, 1983.

Take notice that on January 21, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP 83-165-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities in St. Landry Parish, Lousiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon in place approximately 13.4 miles of ten-inch pipeline between its West Lateral and and the Big Cane Field in St. Landry Parish, Louisiana. Applicant explains that the ten-inch line to be abandoned extends to a field which has been exhausted and that there are no prospects for renewal of production or other production which could be economically served by this line.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2 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 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 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 permission and approval for the proposed abandonment are 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 Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3922 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-166-000]

Columbia Gulf Transmission Co. and Transcontinental Gas Pipe Line Corp.; Application

February 9, 1983.

Take notice that on January 21, 1983, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-166-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation and exchange agreement between Applicants, dated November 10, 1981, Columbia Gulf and Transco have agreed to exchange gas on a thermally equivalent basis, and Columbia Gulf has agreed to transport gas which Transco shall have available, if any, after the exchange has taken place. It is stated that Transco would receive quantities of Columbia Gas Transmission Corporation's (Columbia Gas) natural gas at an existing platform located in West Cameron Block 480, offshore Louisiana, and in exchange, Columbia Gulf would receive Transco's gas at an existing underwater side tap on the Blue Water Pipeline in West Cameron Block 624, offshore Louisiana. After the exchange has taken place, Columbia Gulf, it is asserted would transport Transco's additional volumes of gas, if any, from an underwater side tap in Vermilion Block 46, offshore Louisiana, and redeliver the gas at either of two existing interconnections between the two pipelines, one located in Evangeline Parish, Louisiana, the other in Terrebonne Parish, Louisiana.

It is stated that for the transportation service of excess volumes, Columbia Gulf would initially charge Transco a unit rate of 6.42 cents per Mcf for gas redelivered to the Terrebonne point of receipt and 16.03 cents per Mcf of gas redelivered to the Evangeline point of receipt.

It is submitted that Columbia Gas has acquired the right to purchase a portion of the natural gas reserves underlying West Cameron Blocks 426 and 424, offshore Louisiana, and Transco has acquired the right to purchase natural gas reserves from West Cameron Blocks 624 and 625 and from Vermilion Block 57, offshore Louisiana. Applicants submit that the proposal herein is the most practical, efficient, and economic way of making such gas available to their respective pipeline systems.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3923 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-29-000]

Gulf States Utilities Co.; Application

February 9, 1983.

Take notice that on February 3, 1983, Gulf States Utilities Company (Applicant) filed an application seeking an order under Section 204(a) of the Federal Power Act authorizing the Applicant to issue up to 3,000,000 Shares of New Preference Stock. Such securities may be issued in one or more series over a two-year period pursuant to Commission policy announced in Release FE-1228 dated November 24, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1983, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3924 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-301-000]

Southern California Edison Co.; Filing

February 9, 1983.

Take notice that on February 2, 1983, Southern California Edison Company

(Edison) tendered for filing a modification to Special Condition No. 8 Fuel Cost Adjustment of its Schedule TOU-R, Time-Of-Use Resale Service, applicable to each of Edisons's resale service customers.

Edison states that purpose of the modification is to clarify the treatment accorded test energy produced by new generating facilities prior to commercial operation of such facilities.

Edison requests an effective date of June 2, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California, the California cities of Anaheim, Azusa, Banning, Colton, Riverside and Vernon, Arizona Public Service Company at Cibola and Ehrenberg, and Southern California Water Company at Goldhill and Harnish.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3926 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-174-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

February 9, 1983.

Take notice that on January 31, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. box 2511, Houston, Texas 77001, filed in Docket No. CP83-174-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon about 35.6 miles of pipeline and related facilities located in West Virginia, and for a certificate of public convenience and necessity authorizing the construction and operation of 10.6 miles of pipeline and other facilities to be located in West Virginia, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization:

(1) To abandon about 35.6 miles of uncoated 20-inch pipeline, a portion of its Line No. 100-1, extending from a point 0.5 mile downstream of compressor station 114 to a point near Main Line Valve (MLV) 118-1.

(2) To abandon the South Ceredo sales meter station delivery point to Columbia Gas Transmission Corporation (Columbia) located on Line No. 100-1. Applicant states that gas otherwise delivered to Columbia at this point would be delivered to Columbia at other authorized delivery points in Zone CD-3.

(3) To construct and operate facilities to upgrade the North Ceredo sales meter station delivery point to Columbia.

(4) To construct and operate about 10.6 miles of 30-inch pipeline and related facilities as an extension of Line No. 100-2 from MLV 117-2 to MLV 118-1.

Applicant states that the 20-inch pipeline to be abandoned was constructed in 1944 and has deteriorated due to a process known as anerobic bactrial corrosion. Further, construction of the proposed facilities would cost less than rehabilitating the existing facilities.

Applicant states that elimination of the South Ceredo delivery point would not affect its peak day and annual deliveries. Deliveries of the South Ceredo volumes to North Ceredo and other delivery points would not cause detriment or disadvantage to Columbia or other Tennessee customers, it is asserted.

Applicant estimates the cost of the proposed construction to be $10,155,000 which would be financed initially with funds on hand, borrowings under revolving credit agreements, or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 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 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 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 and permission and approval for the proposed abandonment are 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 Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3927 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-159-000]

Texas Eastern Transmission Corp.; Request Under Blanket Authorization

February 9, 1983.

Take notice that on January 18, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP83-159-000 a request pursuant to Section 15.7205 of the Regulations under the Natural Gas Act (18 CFR 15.7205) that Applicant proposes to modify an existing delivery point to National Gas and Oil Corporation (National) under the authorization issued in Docket No. CP82-535-000 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.

Applicant states that it proposes to modify its existing meter station No. 1841 by means of the modification of an existing meter run. The subject meter station is located in Butler County, Ohio, on Applicant's 24-inch Line No. 1 at mile post 776.05, it is asserted. Applicant states that a superseding service agreement with National is being executed which would increase the maximum daily delivery obligation of the subject meter station from the present maximum daily delivery

obligation of 3,053 dt equivalent of gas to a maximum daily delivery obligation of 8,000 dt equivalent of gas. It is indicated that deliveries at this meter station are for National's general system supply and are performed by delivery to National's customer, Cincinnati Gas and Electric Company, for National's account. Applicant states that National would reimburse Applicant for the cost of modifying the subject meter station.

Applicant states that sales of natural gas to National are performed pursuant to Applicant's Rate Schedules DSQ-C and I-C of its FERC Gas Tariff, Fourth Revised Volume No. 1. Applicant indicates that its existing tariff does not prohibit the modification of the subject meter station. Applicant states that the proposed modifications would have no effect on its peak day or annual deliveries, and that total volumes covered under the current service agreement with National would not be changed. Applicant further indicates that the proposed modification would be accomplished without detriment or disadvantage to Applicant's other customers.

Any person or the Commission's staff may file, within 45 days after issuance of the instant notice by the Commission, 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 Section 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. 83-3928 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP 82-144-001]

Transcontinental Gas Pipe Line Corp. et al.; Amendment to Application

February 9, 1983.

Take notice that on January 17, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82-144-001 a joint amendment to their application filed on January 6, 1982, in Docket No. CP82-144-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect the addition of a third point where Transco would receive exchange gas from Natural, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In their application, Applicants request authorization to exchange gas pursuant to an agreement dated June 11, 1981, whereunder Transco would exchange supplies available to it in Block 348, Vermilion area, offshore Louisiana, for supplies available to Natural in Block A-17, Brazos area, offshore Texas, and Blocks 107 and 114, South Marsh Island area, offshore Louisiana. The maximum daily exchange quantity is 20,000 Mcf, it is stated.

In the subject amendment, Applicants propose to exchange gas available to Natural from an additional source, Block 75, South Marsh Island area, offshore Louisiana. Applicants also have agreed to eliminate an excess exchange gas handling charge proposed in the original contract. No change in the maximum daily exchange quantity is proposed, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 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 the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3929 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-303-000]

Union Electric Co.; Filing

February 9, 1983.

Take notice that on February 3, 1983, Union Electric Company (UE) tendered for filing a Standby Electric Service Agreement dated December 1, 1982, between the Iowa Electric Light and Power Company and UE. Said Agreement provides for emergency energy in the vicinity of Donnellson, Iowa.

UE proposes an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance the Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3930 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-13-000; FERC J. D. No. 82-44102]

State of Oklahoma; Section 108 NGPA Determination; Phillips Petroleum Co.; Tilla No. 1 Well; Petition To Reopen Final Well Category Determination and Request To Withdraw

Issued: February 9, 1983.

On November 17, 1982, Phillips Petroleum Company (Phillips) 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 Tilla #1 Well, located in section 26-1N-14E, Texas County, Oklahoma, qualifies as a stripper well natural gas pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982). This determination made by the Oklahoma Corporation Commission (OCC) became final on September 2, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).

Phillips requests reopening of this final determination so that it can withdraw its application for said determination based upon a review which shows that during the period used to qualify the Tilla #1 Well, the state allowable production rate may not have

represented the maximum efficient rate of flow for this well.

Phillips states that gas production from the Tilla #1 Well was sold to Panhandle Eastern Pipe Line Company (Panhandle) and that a refund report is being prepared to be forwarded to Panhandle and filed with the Commission. 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, NE., 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 in determining the appropriate action to be taken, but will not make 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. 83-3925 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-99-000]

Argo Industries, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 9, 1983.

On December 14, 1983, Argo Industries, R.R. #1 Box 206, Bourbon, Missouri 65441, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The wind-powered small power production facility is located in Crawford County, Missouri. The electric power production capacity of the facility is 8 kilowatts. There is no other wind-powered small power production facility owned by Argo Industries located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-3920 Filed 2-11-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 10 Through January 14, 1983

During the week of January 10 through January 14 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Appalachian Observer, 01/10/83; HFA-0102

The *Appalachian Observer* filed an Appeal from a denial, by the Assistant Manager for Administration at DOE's Oak Ridge Operations Office, of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In its Appeal, the *Observer* challenged the Assistant Manager's determination that there were no documents responsive to its request and asserted that its request had been too narrowly construed. In considering the Appeal, the DOE found that the Assistant Manager's search for responsive materials was adequate given the information provided by the *Observer.* Accordingly, the Apeal was denied.

Robert K. Wilson, 01/14/83; HFA-0101

Robert K. Wilson filed an Appeal from a denial by the Director of the Executive Secretariat of the Department of Energy of a Request for Information which Wilson had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that, contrary to Wilson's claim, the Director's search was thorough and conscientious and that no responsive documents existed. Accordingly, the Appeal was denied.

Remedial Orders

InterNorth, Inc., 01/10/83; BRO-1380, BRD-1380

The Economic Regulatory Administration (ERA) filed a Motion for Leave to Withdraw a Proposed Remedial Order (PRO) that ERA Region VII issued to InterNorth, Inc. on December 31, 1980. In considering ERA's motion, the DOE determined that the PRO should be withdraw, inasmuch as both InterNorth and ERA agreed that withdrawal was appropriate and as the PRO did not properly conform to controlling case law. The DOE additionally denied InterNorth's request that jurisdiction be retained over the proceeding. Accordingly, ERA's Motion for Leave to Withdraw was granted and the InterNorth PRO was dismissed without prejudice.

The Standard Oil Company of Ohio, 01/13/83, HOR-0028

On January 29, 1982, The Standard Oil Company of Ohio (Sohio) filed a Notice of Objection to a December 30, 1981 Proposed Remedial Order (PRO) issued to it by the DOE's Economic Regulatory Administration (ERA). The filing date for Sohio's Statement of Objections was extended a number of times while Sohio and the ERA engaged in settlement negotiations. On November 10, 1982, the ERA filed a "Notice of Withdrawal or, in the Alternative, Motion to Dismiss" the PRO because the ERA and Sohio had entered into a consent order resolving all of the issues in the PRO. *See* 47 FR 34617 (1982). Three state governments filed submissions opposing the dismissal of the Sohio PRO on the ground that the consent order's provision for Sohio's deposit of settlement funds into the United States Treasury was unlawful. The DOE determined that the PRO should be dismissed notwithstanding the states' objections because the states had exhausted their administrative remedies with respect to the Sohio Consent Order by filing comments on the consent order when it was proposed for comment. *State of California,* 9 DOE ¶ 82,557 (1982). Accordingly, the PRO was dismissed.

Requests for Exception

Brassfield's Oil Company, Inc., 01/13/83, HEE-0011

Brassfield's Oil Company, Inc. filed an Application for Exception in which the firm sought to be relieved of the obligation to file Forms EIA-172, Sales Report of Fuel Oil and Kerosene and EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firm did not establish that it was particularly adversely affected by the reporting requirement. Accordingly, exception relief was denied.

Briggs & Tillman, Inc., 01/13/83, HEE-0037

Briggs & Tillman filed an Application for Exception in which the firm sought to be relieved of the obligation to file Form EIA-784A, Petroleum Product Sales Identification Survey. In considering the request, the DOE found that the firm did not establish that it was particularly adversely affected by the reporting requirement. Accordingly, exception relief was denied.

Siler Oil Company, Inc., 01/14/83, HEE-0049

Siler Oil Company, Inc. filed an Application for Exception in which the firm sought to be relieved of the obligation to file Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firm did not establish that it was particularly adversely affected by the reporting requirement. Accordingly, exception relief was denied.

Interlocutory Orders

Atlantic Richfield Company, 01/11/83, *HRZ-0118*

The Atlantic Richfield Company (Arco) filed a Motion to Strike a December 14, 1982 submission filed by the Office of Special Counsel (OSC) in OHA Case No. HRZ-0110 styled "Economic Regulatory Administration's Reply Memorandum in Support of Its Motion for Sanctions." In considering the Arco Motion, the DOE found that the OSC submission was filed in contravention of a prior order in that case. The DOE therefore determined that its retention in the record would be prejudicial to the orderly conduct of that proceeding. Accordingly, the Arco Motion to Strike was granted.

Department of the Interior, 01/14/83, *HEZ-0116*

Laketon Asphalt Refining, Inc. had refused to furnish information requested by the DOE in connection with the Application for Exception filed by the Department of the Interior, Case No. HEE-0051. In considering Laketon's refusal, the DOE found that the requested information, as well as some additional information, was relevant to an issue raised by DOI in its exception application. Accordingly, on January 14, 1983, the DOE issued an Interlocutory Order requiring Laketon to furnish the information.

Peititons for Special Redress

State of Illinois, 01/14/83, *HEG-0026, HEG-0027*

The State of Illinois filed two Petitions for Special Redress in which it sought to overturn certain remedial provisions in two consent orders which the Economic Regulatory Administration had entered into with Conoco, Inc. and The Standard Oil Company of Ohio (Sohio). In its Petitions, the State contended that provisions in those consent orders which called for the firms to deposit settlement funds into the Miscellaneous Receipts Account of the United States Treasury were unlawful. The DOE found that it had considered and rejected similar contentions in *State of California*, 9 DOE ¶82,585 (1982). In that case, the DOE dismissed Petitions for Special Redress filed by several states based upon its determination that the sole administrative remedy available to third parties seeking to challenge DOE consent orders was the opportunity to file comments on the proposed consent order. In considering the petitions, the DOE found that the State of Illinois did not offer any arguments as to how its case was distinguishable from that of the *State of California*, and that, in fact, its contentions were identical to those raised in that case. Accordingly, the State of Illinois' Petitions were dismissed.

Implementation of Special Refund Procedures

Lyon County Co-Operative Oil Company/Johnson Leasing, Inc., and Arnold Johnson, 01/10/83, *HEX-0066*

The DOE authorized the disbursement of the remaining funds in the Lyon County Co-operative Oil Company Special Refund Proceeding. The DOE determined that Arnold Johnson should receive a refund and that the residual funds in the Lyon escrow account should be deposited in the United States Treasury.

DISMISSAL

Name and Case No.

Sierra Oil & Gas Co., HEE-0056

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published looseleaf reporter system.

Dated: February 8, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 83-3919 Filed 2-11-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of January 10 Through January 14, 1983

During the week of January 10 through January 14, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as nonparticipants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: February 8, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Reco Petroleum, Inc., Reading, Pennsylvania, HRO-0110, Motor Gasoline

On January 13, 1983, Reco Petroleum, Inc., 100 North Fourth, Reading, Pennsylvania 19603, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of the Economic Regulatory Administration issued to the firm on December 7, 1982. In the PRO the Northeast District found that during the period March 1979 through September 1979, Reco Petroleum, Inc. charged prices in excess of the maximum lawful selling prices for motor gasoline.

According to the PRO the Reco Petroleum, Inc. violation resulted in $172,502 of overcharges.

Vessels Gas Processing Co.; Vessels Processing, Ltd., Denver, Colorado, HRO-0111 NGL; Propane

On January 13, 1983, Vessels Gas Processing Co. and Vessels Processing, Ltd. of Denver, Colorado filed a Notice of Objection to a Proposed Remedial Order which the DOE Kansas City, Missouri Office of Enforcement issued to the affiliated firms on November 5, 1982. In the PRO, the Kansas City Office found that during the period September 1, 1973 through December 31, 1977, the firms overcharged their customers in sales of propane and natural gas liquids.

According to the PRO, the Vessels violation resulted in $1,883,155.91 of overcharges.

[FR Doc. 83-3917 Filed 2-11-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2305-5]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223), U.S. Environnmental Protection Agency; 401 M Street, SW., Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Grants Programs

• Title: General Application for Assistance (EPA ID 0938).

Abstract: EPA collects information on eligibility, progress and property management from recipients of EPA financial assistance both before and after the award. This information enables EPA to assure proper expenditure of Federal funds.

Respondents: State and local governments, institutions of higher education, profit/non-profit organizations, and individuals.

Solid Waste Programs

• Title: Authorization of State Hazardous Waste Management Programs (EPA ID 0969).

Abstract: States may voluntarily submit an application to EPA for final authorization on Phase II interim authorization to administer and enforce their own hazardous waste management programs in lieu of the Federal program. The information submitted must demonstrate that the state program is at least equivalent to the Federal program

Respondents: State governments.

Toxics Programs

• Title: Premanufacture Notification (PMN) Requirements (EPA ID 574).

Abstract: TSCA requires businesses to notify EPA 90 days prior to manufacture or import of a new chemical substance. EPA reviews the information to evaluate the effects of the chemical on human health and the environment. The submitter is free to manufacture or import the new chemical substance if the Agency takes no further regulatory action within 90 days of receipt of the notification.

Respondents: Chemical manufacturers and importers.

Agency Forms Cleared by OMB Between January 20 and February 2, 1983

EPA ID 1012, Applications for PCB Disposal Permits, was cleared on January 20 (OMB #2070-0011).

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228, 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: February 3, 1983.

N. Phillip Ross,

Chief Statistical Policy Staff.

[FR Doc. 83-3825 Filed 2-11-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51453; TSH-FRL 2304-8]

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 fifteen PMNs and provides a summary of each.

DATE: Close of Review Period:

PMN 83-442, 83-443 and 83-444—April 27, 1983.

PMN 83-445—April 30, 1983.

PMN 83-446, 83-447, 83-448, 83-449 and 83-450—May 1, 1983.

PMN 83-451, 83-452 and 83-453—May 2, 1983.

PMN 83-454, 83-455 and 83-456—May 3, 1983.

Written comments by:

PMN 83-442, 83-443 and 83-444—March 28, 1983.

PMN 83-445—March 31, 1983.

PMN 83-446, 83-447, 83-448, 83-449 and 83-450—April 1, 1983.

PMN 83-451, 83-452 and 83-453—April 2, 1983.

PMN 83-454, 83-455 and 83-456—April 3, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51453]" 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: Therodore Jones, 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 83-442

Manufacturer. Confidential.

Chemical. (G) Vegetable fatty acids; benzene carboxylic acid; hydroxymethyl alkanepolyol polymer.

Use/Production. Confidential. Prod. ranges: Confidential.

Toxicity Data. no data submitted.

Exposure. Confidnetial.

Environmental Release/Disposal. Confinential.

PMN 83-443

Manufacturer. Confidential.

Chemical. (G) Alkanediol; dimethylalkanediol; alkanedioic acid; substituted alkanoic acid; benzenedicarboxylic acid polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Relese/Disposal. Confidential.

PMN 83-444

Manufacturer. Confidential.

Chemical. (G) Alkanediol; dimethylalkanediol; alkanedioic acid; substituted alkanoic acid; benzenedicarboxylic acid polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMW 83-445

Manufacturer. Confidential.

Chemical. (G) Modified sodium polyacrylate.

Use/Production. (G) Dispersant for inorganic particulates. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal and inhalation, a total of 3 workers, up to 24 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by publicly owned treatment works (POTW), landfill and well-bore.

PMN 83-446

Manufacturer. Emery Industries, Inc.

Chemical. (S) Iso hexadecyl isostearate.
Use/Production. (S) Industrial lubricant. Prod. range: 0–4,550 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing, use and disposal: dermal, a total of 7 workers, up to 2 hrs/da, up to 5 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to water and land. Disposal by POTW.

PMN 83-447

Importer. Marubeni America Corporation.
Chemical. (G) Polyvinyl alcohol derivative.
Use/Import. (S) Emulsifier of the PVAc emulsion. Import range: 100–500,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Use and disposal: dermal and inhalation.
Environmental Release/Disposal. Release to air. Disposal by pollution control equipment.

PMN 83-448

Manufacturer. Confidential.
Chemical. (S) 2,6-bis(picrylamino)-3,5-dinitropyridine.
Use/Production. (S) Industrial explosive for extreme thermal environments. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Mild; Skin sensitization—Not a sensitizer.
Exposure. Confidential
Environmental Release/Disposal. Confidential. Disposal by TOTW, and on-site biological treatment lagoon.

PMN 83-449

Importer. Biddle Sawyer Corporation.
Chemical. (S) 2-ethyl-2-methyl butanoic acid.
Use/Import. Confidential. Import range. Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 83-450

Importer. Biddle Sawyer Corporation.
Chemical. (S) 2,2-dimethyl pentanoic acid.
Use/Import. Confidential. Import range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 83-451

Manufacturer. Confidential.
Chemical. (G) Disubstituted bis(phenylazo)4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt.
Use/Production. (G) Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 3 workers, up to 48 man-hrs/yr.
Environmental Release/Disposal. No release.

PMN 83-452

Manufacturer. Confidential.
Chemical. (G) Substituted 2-phenylazo-l-hydroxy-3-naphthalene-sulfonic acid, metal complex, alkali metal salt.
Use/Production. (G) Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 3 workers, up to 72 man hrs/yr.
Environmental Release/Disposal. No release.

PMN 83-453

Importer. Confidential.
Chemical. (G) Polymer of mixed alkane diols, alkane triol, propylene oxide, alkanoic acid, aliphatic isocyanate, and isophorone diisocyanate.
Use/Import. (S) Crosslinker for industrial coatings. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing, use and disposal: dermal and inhalation, a total of 7 workers, up to 4 hrs/da up to 50 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 83-454

Manufacturer. Confidenital.
Chemical. (G) Acrylamide copolymer.
Use/Production. (G) Close use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 40 workers, up to 350 da/yr.
Environmental Release/Disposal. No release. Disposal by POTW, biological treatment system, inceneration and approved landfill.

PMN 83-455

Manufacturer. Confidential.
Chemical. (G) Alkenoyl disubstituted cycloalkane.
Use/Production. (G) Open use. Prod. range: Confidential
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture, processing, use and disposal: dermal and inhalation, a total of 20 workers, up to 8 hrs/da, up to 30 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration and on-site effluent treatment plant.

PMN 83-456

Importer. Confidential.
Chemical. (G) Substituted anthraquinone.
Use/Import. (S) Colorant for textile. Import range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non irritant; LC_{50}: >100 mg/l; Fish Toxicity 48 hrs: 200 mg/l.
Exposure. Negligible.
Environmental Release/Disposal. Negligible. Disposal by POTW and biological treatment system.

Dated: February 4, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-3893 Filed 2-11-83; 8:45 am]
BILLING CODE 6560-50-M

AVIS [FRL 2304-7]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluations for "Baur Condenser", "Brake-EZ", "Dynamix", "Jacona Fuel System", and "POLARION-X"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Baur Condenser", "Brake-EZ", "Dynamix", "Jacona Fuel System", and POLARION-X" devices under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668-4299.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the

Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946].

II. Origin of Request for Evaluation, Device Descriptions and Report Identification:

A. Baur Condenser

On May 19, 1981, the EPA received a request from B.G.A. Firmenich, Importer & Distributor, Baur Electronic for evaluation of a fuel economy retrofit device termed "Baur Condenser". This device is intended to improve fuel economy and exhaust emission levels of spark ignition engines. The device consists of a set of spark plug adapters. One adapter is installed between each spark plug and its associated secondary lead.

Report: "EPA Evaluation of the Baur Condenser Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report number EPA-AA-TEB-511-81-18A contains the analyses and conclusions and consists of 9 pages. Report number EPA-AA-TEB-511-18B contains all the attachments and consists of 58 pages.

B. Brake-EZ

On November 10, 1981, the EPA received a request from EZ Line Products Corporation for evaluation of a fuel saving device termed "Brake-EZ". This device is designed to reduce disc brake drag and thereby improve fuel economy and reduce wear of the brake pads and tires. The device replaces certain parts which tend to corrode and thus prevent the brake pads from retracting fully. This situation results in drag and abnormal wear of the brakes. The devices use special materials, coatings and lubricants which are claimed to eliminate this problem.

Report: "EPA Evaluation of the Brake-EZ Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report number EPA-AA-TEB-511-82-10A, contains the analyses and conclusions and consists of 10 pages. Report number EPA-AA-TEB-511-82-10B contains all the attachments and consists of 29 pages.

C. Dynamix

On September 23, 1981, the EPA received a request from Mr. Jose Ma. R. Concepcion for evaluation of a fuel saving device termed "Dynamix". This device is claimed to permit an unmodified conventional engine to operate efficiently on a blend of gasoline and hyrous ethyl alcohol. The ratio of gasoline to alcohol is selected by the vehicle operator. The device consists of an alcohol fuel storage and handling system, an alcohol/gasoline fuel proportioning valve, and an alcohol/heated air induction system. The device meters vaporized alcohol and hot air directly into the intake manifold of a vehicle. The flow of gasoline is controlled by the flow of alcohol.

Report: "EPA Evaluation of the Dynamix Device Under Section 511 of the Motor Vehicle Information Cost Savings Act," report number EPA-AA-TEB-511-82-11 consisting of 35 pages.

D. Jacona Fuel System

On October 13, 1981, Mr. John L. Gray submitted an application for an EPA evaluation of the "Jacona Fuel System". The device is an electrically-powered in-line fuel heater that is installed between the fuel pump and the fuel induction system. This device is claimed to improve fuel economy of a vehicle without adversely affecting emissions.

Report: "EPA Evaluation of the Jacona Fuel System Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-82-8, consisting of 29 pages including all attachments.

E. POLARION-X

On October 14, 1981, Mr. LaVern Adam submitted an application for an EPA evaluation of the "POLARION-X". The device is installed in the fuel line between the pump and the carburetor. It incorporates two permanent magnets which subject the fuel to a magnetic field. This device is claimed to reduce emissions, to improve fuel economy and performance, to provide more complete combustion, to eliminate engine carbon buildup and dieseling, and to reduce the octane requirements of the engine.

Report: "EPA Evaluation of the POLARION-X Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-82-9, consisting of 59 pages including all attachments.

III. Availability of Evaluation Reports

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487-4650 or FTS 737-4650.

IV. Summary of Evaluation

EPA fully considered all of the information submitted by the applicants. The test data and other information supplied by the applicants were insufficient to substantiate the claims for their devices. The applicants did not adequately respond to repeated requests for additional information and failed to provide substantiating test data. Thus, our evaluations were completed on the basis of the information available and EPA's engineering judgment. In the case of the Baur Condenser, the applicant sought to withdraw his application. Since the regulations require that each bona fide application result in an evaluation, his request was denied.

Our overall conclusion was that for each of these devices—Baur Condenser, Brake-EZ, Dynamix, Jacona Fuel System, and POLARION-X, —there is no reason to expect that the device would improve either the emissions or fuel economy of a typical vehicle in proper operating condition.

Dated: February 2, 1983.

Kathleen M. Bennett,

Acting Assistant Administrator for Air, Noise, and Radiation

[FR Doc. 83-3824 Filed 2-11-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Panhandle Bancshares, Inc., et al.

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 Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Panhandle Bancshares, Inc.*, Panhandle, Texas; to acquire 81 percent of the voting shares or assets of First State Bank, Tulia, Texas. Comments on this application must be received not later than February 25, 1983.

B. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *W.T.B. Financial Corporation*, Spokane, Washington; to acquire 100 percent of the voting shares or assets of Security Bank of Washington, Ephrata, Washington. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than March 9, 1983.

Board of Governors of the Federal Reserve System, February 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3859 Filed 2-11-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed de Novo Nonbank Activities; United National Bancorporation

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* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to 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 interests, 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 hearing 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 Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *United National Bancorporation*, Huntingdon, Pennsylvania (leasing activities; Pennsylvania): To engage, through its subsidiary, Unitas Commercial Leasing Corporation, in making leases of real and personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Huntingdon, Pennsylvania, serving all of Pennsylvania. Comments on this application must be received not later than March 8, 1983.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American Fletcher Corporation*, Indianapolis, Indiana (consumer finance and related insurance activities; Indiana): To engage through its subsidiary, American Fletcher Financial Services Inc., in making or acquiring loans or other extensions of credit for personal, family or household purposes, including loans secured by home equities, purchasing consumer installment sales finance contracts and acting as agent with respect to credit life and disability insurance on borrowing customers and insurance on property taken as collateral for loans and contracts made or purchased at this proposed office of such subsidiary. The proposed insurance activities shall be restricted to such purposes and amounts as are authorized by Sections 601 (A), (B), and (D) of the Garn-St Germain Depository Institutions Act of 1982, including those contained in an order of the Board with respect to such subsidiary issued prior to May 1, 1982, on July 20, 1972. The foregoing activities would be conducted from an office in Madison, Indiana, serving Jefferson County, Indiana. Comments on this application must be received not later than March 4, 1983.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Farmers & Merchants Bancshares, Inc.*, Crescent, Oklahoma (leasing activities; Oklahoma): To engage in making automobile leases in accordance with the Federal Reserve Board's Regulation Y. These activities would be conducted from an office in Crescent, Oklahoma, serving Oklahoma and Grady Counties in Oklahoma. Comments on this application must be received not later than March 9, 1983.

D. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Security Pacific Corporation*, Los Angeles, California (commercial lending and leasing activities; United States): To engage through its subsidiary, SPC Securities Services Corp. in making, acquiring, for its own account or for the account of others, or participating in, commercial loans and other extensions of credit, and leases of personal and real property. These activities would be conducted from an office of SPC Securities Services Corp. in Pasadena, California, serving the United States. Comments on this application must be received not later than March 9, 1983.

Board of Governors of the Federal Reserve System, February 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3861 Filed 2-11-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Upper Dauphin Bancorp, Inc., et al.

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 or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Upper Dauphin Bancorp, Inc.*, Millersburg, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Upper Dauphin National Bank, Millersburg, Pennsylvania. Comments on this application must be received not later than March 9, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Baton Rouge Bancshares, Inc.*, Baton Rouge, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Baton Rouge Bank & Trust Co., Baton Rouge, Louisiana. Comments on this application must be received not later than March 9, 1983.

2. *Toombs Bank Shares, Inc.*, Vidalia, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Brice Banking Company, Inc., Vidalia, Georgia. Comments on this application must be received not later than March 7, 1983.

3. *Walthall Capital Group, Ltd.*, Tylertown, Mississippi; to become a bank holding company by acquiring 80 percent of the voting shares of Walthall Citizens Bank, Tylertown, Mississippi. Comments on this application must be received not later than March 9, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Anderson Bancshares, Inc.*, Anderson, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Anderson, Anderson, Texas. Comments on this application must be received not later than March 9, 1983.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Washington Bancorporation*, Washington, D.C.; to become a bank holding company by acquiring 100 percent of the voting shares of The National Bank of Washington, Washington, D.C. Also, the United Mine Workers of America, Washington, D.C., a registered bank holding company due to its current ownership and control of 76.08 percent of the voting shares of The National Bank of Washington, has applied to acquire Washington Bancorporation since it will become a majority shareholder of Washington Bancorporation under this proposal. Comments on this application must be received not later than March 8, 1983.

Board of Governors of the Federal Reserve System, February 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3860 Filed 2-11-83; 8:45 am]

BILLING CODE 6210-01-M

Banc One Corp.; Merger of Bank Holding Companies

Banc One Corp., Columbus, Ohio, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Winters National Corp., Dayton, Ohio. 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)).

Winters National Corp., Dayton, Ohio, is also engaged in the following nonbank activities: mortgage lending and servicing; leasing personal property; underwriting credit life insurance and credit accident and health insurance. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 8, 1983. 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.

Board of Governors of the Federal Reserve System, February 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3857 Filed 2-11-83; 8:45 am]

BILLING CODE 6210-01-M

First Bancorp of Tonkawa, Inc.; Proposed Acquisition of Burton Insurance Agency

First Bancorp of Tonkawa, Inc., Tonkawa, Oklahoma, 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 Burton Insurance Agency, Tonkawa, Oklahoma.

Applicant states that the proposed subsidiary would perform the activities of a general insurance agency. These activities would be performed from offices of Applicant's subsidiary in Tonkawa, Oklahoma, and the geographic area to be served is Tonkawa, Oklahoma. 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 presons 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 Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 8, 1983.

Board of Governors of the Federal Reserve System, February 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-3858 Filed 2-11-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Federal Council on the Aging; Meeting

Agency holding the meeting: Federal Council on the Aging.

Time and date: Meeting begins at 10:45 AM on Wednesday, March 9, 1983 and ends at 3:00 PM on Thursday, March 10, 1983.

Place: Conference Rooms 303A–305A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Meeting is open to the public.

Contact person: Rita Lowry, Room 309D, HHH Building, 245–2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting March 9–10, 1983 from 10:45 AM to 5:30 PM and from 9:00 AM to 3:00 PM respectively in Rooms 303–305A of the Hubert H. Humphrey (HHH) Building, 200 Independence Avenue, SW., Washington, DC 20201.

The agenda will focus principally on discussions of health and the aged. In addition, some time will be allotted for committee reports.

Dated: February 7, 1983.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 83–3906 Filed 2–11–83; 8:45 am]

BILLING CODE 4130–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. D–83–693]

Redelegation of Authority to Regional Administrators, et al.

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of redelegation of authority related to financing and refinancing of housing assisted under the United States Housing Act of 1937.

SUMMARY: The authority of the Secretary relating to financing and refinancing of housing assisted under the United States Housing Act of 1937, as amended, is currently redelegated from the Assistant Secretary for Housing to Regional Counsel and members of the Regional Counsel's staffs. That redelegation is rescinded and the function is redelegated to the Regional Administrators, Deputy Regional Administrators, and Directors of the Office of Regional Housing. This change reflects a reassignment of responsibility within the Department.

EFFECTIVE DATE: February 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mildred Moore, Management Analyst, Issuances and Clearances Branch, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 9124, Washington, D.C. 20410, (202) 755–8694. This is not a toll free number.

Accordingly, the redelegation of authority published at 35 FR 16105 (1970), as amended at 35 FR 17964 (1970) and 40 FR 39921 (1975), is amended by deleting Section B and inserting the following new Section B:

Section B. *Authority Redelegated to Regional Administrators, Deputy Regional Administrators, and Directors of the Office of Regional Housing With Respect to Housing Assisted Under the United States Housing Act of 1937.*

1. Each Regional Administrator, Deputy Regional Administrator, and Director, Office of Regional Housing is authorized to exercise the authority of the Secretary relating to the financing and refinancing of housing assisted under the United States Housing Act of 1937, as amended.

2. This power and authority may be further redelegated.

(41 FR 24755 (1976) and 36 FR 5006 (1971), as amended)

Dated: February 7, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83–3866 Filed 2–11–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1601 (U–060)]

Utah; Resource Management Plan/ Environmental Impact Statement

February 4, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft resource management plan/ environmental impact statement and public open house.

SUMMARY: Pursuant to Section 202(f) of the Federal Land Policy and Management Act of 1976 and Section 102(c) of the National Environmental Policy Act of 1969, a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the Grand Resource Area. The Grand Resource Area, Moab District, contains approximately 1.8 million acres of public land located in Southeastern Utah, including Grand County and the northern third of San Juan County. The Draft RMP/EIS examines four management plan alternatives: (1) Alternative A (no action); (2) Alternative B (production); (3) Alternative C (limited protection); and (4) Alternative D (protection).

PUBLIC PARTICIPATION: Copies of the Draft RMP/EIS are available from the Grand Resource Area Office, P.O. Box M, Sand Flats Road, Moab, Utah 84532, phone (801) 259–8193. Public reading copies will be available for review at the following locations:

- Office of Public Affairs, Location Building, 18th and C Streets NW., Washington, D.C. 20240
- Moab District Office, Public Information Office, 125 W. 2nd S., Moab, Utah 84532
- BLM Utah State Office, Public Room, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Written comments on the Draft RMP/ EIS should be submitted between March 11 and June 10 (90-day comment period) to: Colin P. Christensen, Area Manager, Bureau of Land Management, P.O. Box M, Moab, Utah 84532.

Oral or written comments will be received at an Open House to be held Thursday, April 21, from 2 p.m. to 9 p.m., at the BLM Moab District Office Conference Room, 125 West 2nd South in Moab. Oral or written comments concerning the adequacy of the Draft RMP/EIS will be considered in the preparation of the final RMP/EIS for the Grand Resource Area.

FOR FURTHER INFORMATION CONTACT: Colin P. Christensen, Grand Resource Area Manager, (801) 259–8193.

Kenneth V. Rhea,

Associate District Manager.

[FR Doc. 83–3854 Filed 2–11–83; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Mines

Advisory Committee on Mining and Mineral Reseach; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget Circular No. A-63, Revised.

The Advisory Committee on Mining and Mineral Research will meet from 8:00 a.m. to 4:00 p.m. (or completion of business) on March 1, 1983, in room 1042, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20241.

The meeting will deal with the following subjects:

1. Welcome of new committee members.
2. Review of minutes of July 1, 1982 meeting.
3. Current status of programs.
4. Recommendations regarding the making of fiscal year 1983 grants.
5. New business.

The meeting of this committee is open to the public. Approximately 25 visitors can be accommodated on a first come, first served basis. Written statements concerning the subjects are welcome. Visitors who expect to attend should make this known no later than February 28, 1983, to Dr. Ronald Munson, Chief, Office of Mineral Institutes, Bureau of Mines, room 1040, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C. 20241, phone (202) 634-1328.

Dated: February 8, 1983.

Robert C. Horton,

Director.

[FR Doc. 83-3655 Filed 2-11-83; 8:45 am]

BILLING CODE 4310-53-M

National Park Service

Availability and Public Meetings Draft Joint Management Plan; Chaco Archeological Protection Site System; Arizona, Colorado and New Mexico

Pursuant to Section 506 of Pub. L. 96-550, the Chaco Interagency Management Group, represented by the National Park Service, the Bureau of Indian Affairs, the Navajo Tribe, the U.S. Forest Service, and the Governor of New Mexico, has prepared a Draft Joint Management Plan for the Chaco Archeological Protection Site System, located within Apache County, Arizona; La Plata County, Colorado; and San Juan, McKinley and Cibola Counties, New Mexico.

The Draft Joint Management Plan is intended to direct planning, management, and use of the 33 Chacoan Outlier sites as well as any new sites that may be added to the system to provide for the preservation, protection, research, and interpretation of the sites and for continued cooperation among the public and private entities with interests in the area to achieve coordinated preservation, research, and development efforts.

Copies of the Draft Joint Management Plan are available, while supplies last, from the following locations: Bureau of Indian Affairs, P.O. Box M, Window Rock, Arizona 86515; Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107; National Park Service, Southwest Region, P.O. Box 728, Santa Fe, New Mexico 87501; Navajo Nation, P.O. Box 308, Window Rock, Arizona 86515; State of New Mexico, State Historic Preservation Office, 505 Don Gaspar, Santa Fe, New Mexico 87503; San Juan National Forest, U.S. Forest Service, P.O. Box 310, Pagosa Springs, Colorado 81147; and Bureau of Indian Affairs, P.O. Box 8327, Albuquerque, New Mexico 87198.

Reading copies of the document are available at the following locations: In Albuquerque, New Mexico: at the Dean's Office, Zimmerman Library on the University of New Mexico campus; or the City Main Library, 501 Copper, N.W.; in Denver, Colorado: at the Denver Central Library, 1357 Broadway; University Hills Library, East Amherst and South Birch; Bear Valley Library, 517 West Dartmouth; Woodbury Library, West 33rd and Federal Boulevard; and at the Federal Building; in Santa Fe, New Mexico: in the Public Affairs Office, National Park Service, Southwest Regional Office, 1100 Old Santa Fe Trail; and, in Farmington, New Mexico: at the National Park Service Field Office, 1006 Municipal Drive; and at the Farmington Library, 302 North Orchard Avenue.

Public Meetings are scheduled for March 22, 1983, at the Farmington, New Mexico, Civic Center, 212 West Arlington, Rooms C and D. An informal open house is scheduled from 3:00 to 5:00 p.m. and a meeting from 7:00 to 9:00 p.m. On March 23, 1983, the public meeting will be held at the Crownpoint Chapter House, Crownpoint, New Mexico. The meeting will start at 10:00 a.m. And on March 24, 1983, the public meeting will be held at the Sheraton Old Town Hotel, 800 Rio Grande Boulevard, NW., Albuquerque, New Mexico. The meeting will be held in the Potters Room at the hotel with an informal open house from 3:00 to 5:00 p.m., and a meeting from 7:00 to 9:00 p.m.

Anyone wishing to provide comments on the Draft Joint Management Plan for the Chaco Archeological Protection Site System are invited to ask questions at the sessions or submit suggestions or revisions to the plan, or, provide written comments to Robert I. Kerr, Chairman, Interagency Management Group, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, New Mexico 87501, by April 1, 1983.

Dated: January 31, 1983.

Robert I. Kerr,

Chairman, Interagency Management Group.

[FR Doc. 83-3871 Filed 2-11-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 22]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

California Docket No. A-83-01-30, filed January 17, 1983. Applicant: SPRINT MESSENGER SERVICES, INC., 10919 Lakewood Blvd., Suite 203, Downey, CA 90241. Representative: Gary W. Wingand, 109919 Lakewood Blvd., Suite 203, Downey, CA 90241. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: (A) Shipments weighing ten (10) pounds or less when transported by carriers which operate no vehicle exceeding the license weight of four thousand (4,000) pounds; (B) From, to within all points and places within the Los Angeles Basin Territory. Interstate, interstate and foreign commerce authority sought.

Hearing: Los Angeles, CA date, and time not yet fixed. Request for procedural information should be addressed to the Public Utilities Commission, State of California, State Bldg. Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-1519, filed January 25, 1983. Applicant: WILLIAM FRANKLIN POTTER d.b.a. POTTER'S EXPRESS, 15 Third Ave., Warrensburg, NY 12885. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities:* Between the Territory comprised of Saratoga, Washington, Warren and Essex Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Bldg. #4, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-3975, filed January 25, 1983. Applicant: CRANTS MOTOR EXPRESS CO., INC., 151 Old Ithaca Rd., Horseheads, NY 14845. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Steel and steel extrusions, welding equipment, and fire truck equipment and replacement parts. From Chemung, Steuben, Onondaga and Tompkins Counties to all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of transportation, 1220 Washington Ave., State Campus, Bldg. #4, albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10130, filed January 25, 1983. Applicant: DONALD WARREN LAIRD, 25 E. Glenwood Drive, Latham, NY 12110. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities and household goods:* Between Albany County on the one hand, and, on the other all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of transportation, 1220 Washington Ave., State Campus, Bldg. #4, albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10137, filed February 1, 1983. Applicant: JAYMAC TRUCKING CO., 11 Willow Place, Albertson, NY 11507. Representative: Schwartz & Sachs, Esqs. One Old Country Road, Carle Place, NY 11514. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Office Furniture and machines:* Between all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of transportation, 1220 Washington Ave., State Campus, Bldg. #4, albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-3881 Filed 2-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

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 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 ICC 740 (1981). These rules provide among other things, that oppostion 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 1182.2. 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 1182.2(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.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Volume No. OPI-56

Dated: February 3, 1983.

For status, please call team 1 at 202-275-7992.

MC-F-15098, filed January 21, 1983. Applicants: EMPIRE BUS LINES, INC. dba LEPRECHAUN LINES (Empire dba Leprechaun), P.O. Box 2828, Newburgh, NY 12550—Purchase (portion)—RESORT BUS LINES, INC. (Resort), P.O. Box 624, Main Station, Yonkers, NY

10702. Representatives: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101; and Vincent P. Nesci, P.O. Box 624, Main Station, Yonkers, NY 10702. Empire dba Leprechaun seeks authority to purchase a portion of the interstate operating rights of Resort. Edward F. X. Gallagher, president and majority stockholder of Gallagher Truck Service, Inc., which controls Empire dba Leprechaun, seeks authority to acquire control of said operating rights through the transaction. Empire dba Leprechaun is purchasing that portion of Resort's authority in certificate No. MC-67340 (Sub-4), which authorizes the transportation of *passengers and their baggage*, over regular routes, between New York, NY and Fishkill, NY. IMPEDIMENT: Approval of this transaction would result in the sale and retention of duplicating operating rights. Applicant states that no duplicating authority is being retained. However, Commission records indicate that transferor holds authority in certificate No. MC-67340 (Sub-16) almost identical to that in Sub-No. 4. Therefore, this proceeding will be held open to enable applicants to submit an affidavit setting forth, in detail, all splits of authority resulting from this transaction and either: (a) A request for cancellation of the duplicating rights being retained by the transferor or (b) acceptable reasons for permitting such a split of authority. NOTE: An application for temporary authority has been filed. Transferee holds permit No. MC 126689, certificated No. MC-114757, and certificate/permit No. MC-112108 and sub-numbers thereunder. Transferee seeks authority in intrastate commerce to conduct operations between New York, NY and Fishkill, NY.

Volume No. OP2-061

Dated: February 4, 1983.

For status, please call Team 2 at 202-275-7030.

MC-F-15075, filed January 12, 1983. VERSINCO, INC. (Versinco) (2100 First National Bank Bldg., Dayton, OH 45402)—Continuance in Control—COMMAND SYSTEMS, INC. (Command) (6810 Fleetwood Road, McLean, VA 22101) and CARL SUBLER TRUCKING, INC. (Subler) (P.O. Box 81, Versailles, OH 45380). Representative: J. G. Dail, Jr., P.O. Box 81, McLean, VA 22101. Versinco seeks to continue in control of Command and Subler through ownership of all their capital stock, upon the institution by Versinco and Command of operations as motor common and contract carriers. Herold M. Richters, Thomas E. Subler, Steven D. Subler, and Denis L. Subler (individuals), who each own 25 percent of the stock of Versinco, seek to continue in control of Command and Subler through the transaction. Subler is a motor carrier pursuant to MC-116763 and sub-numbers thereunder. The above named individuals are also stockholders of Vantage Transport, Inc. (Vantage), a motor common carrier operating under Certificate No. MC-161795. Their control of Vantage and Subler was approved in MC-F-14881.

Note.—(1) Command is not a carrier but has an application pending under MC-164784, (2) Versinco is not a carrier but has an application pending in No. MC-164432, (3) this application is directly related to No. MC-164432 published in the **Federal Register** on November 10, 1982, and No. MC-164784, published in the **Federal Register** on December 10, 1982, and (4) the approval of this application is not to be construed as approval of the continued control by Herold M. Richters, Thomas E. Subler, Steven D. Subler, and Denis L. Subler of Versinco, Inc., upon institution by Versinco of Operations as a carrier, as such approval has not been requested at this time.

[FR Doc. 83-3879 Filed 2-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-55]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for intervention must be filed with the Commission within 30 days after the date of this **Federal Register** Notice. Applicant may file a verified statement in rebuttal within 50 days. Such pleadings shall comply with 49 CFR 1160.1-1160.49 addressing specifically the issue(s) indicated as the purpose for this republication.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

MC 160091 (Sub-1), (Republication), filed August 2, 1982, published in the **Federal Register** August 23, 1982, and republished this issue. Applicant: BLUE AND WHITE TRANSPORT, INC., 914 Royal Blvd., Boise, ID 83706. Representative: Keven M. Clark, 2417 Bank Dr., Ste. 8, Boise, ID 83705. A decision by the Commission, Entire Commission, decided January 28, 1983, served February 3, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, between points in Idaho, Oregon, Washington, Montana, Utah and Wyoming. The purpose of this republication is to broaden the scope of authority.

Note.—The existing certificates in MC-160091 and MC-160091 Sub 1 will be cancelled upon issuance of the new Sub 1 certificate as set forth above.

MC 164100, (Republication), filed October 15, 1982, published in the **Federal Register** November 3, 1982, and republished this issue. Applicant: HANNAFORD TRUCKING COMPANY, 54 Hannaford St., South Portland, ME 04106. Representative: Beth Dobson, Two Canal Plaza, P.O. Box 586, Portland, ME 04112. A decision by the Commission, Review Board Number 1, decided January 11, 1983, served January 25, 1983, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food and related products*, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include Wisconsin in the territorial description. Condition: Applicant shall conduct its for-hire carrier activities and its other activities independently and shall maintain separate records and accounts for its for-hire transportation activities.

[FR Doc. 83-3882 Filed 2-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-060]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 7, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980.

at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings: We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing. (Member Ewing, not participating).

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, at (202) 275-7030.

MC 129702 (Sub-12)X, filed January 21, 1983. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Rd., Calhoun, GA 30701. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345. Sub-No. 6F: (1) To broaden the commodity description from foodstuffs (except in bulk, in tank vehicles), to "food and related products; (2) eliminate facility limitations; (3) change one-way to radial authority; and (4) expand Lakeland, FL to Polk County, FL.

[FR Doc. 83-3880 Filed 2-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

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 Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly. Please direct status inquiries to Team One at (202) 275-7992.

Volume No. OP1-53

Decided: February 4, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

W-390 (Sub-11) (Republication), filed August 6, 1982, previously noticed in the Federal Register issue of August 27, 1982. Applicant: WARRIOR & GULF NAVIGATION COMPANY, P.O. Box 11397, Chickasaw, AL 36611. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219-2383; (412) 471-1800. To operate as a *contract carrier*, by water, in the transportation of: (1) *General commodities*, in LASH and Seabee barges, and (2) *empty LASH and Seabee Barges*, by towing vessels, in the performance of general towage, between the ports and points on the Gulf of Mexico, including the Gulf Intracoastal Waterway, by way of the

Gulf of Mexico, the Gulf Intracoastal Waterway and connecting and tributary waterways.

Note.—This application contemplates operations which should result in decreased energy consumption in comparison with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy. The purpose of this republication is to remove the shipper designations, and to correct the commodity description.

MC 52861 (Sub-93), filed January 25, 1983. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: James W. Moore (same address as applicant) (216) 659–9381. Transporting *bulk commodities and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Luria Brothers & Co., Inc., of Cleveland, OH.

MC 109431 (Sub-16), filed January 28, 1983. Applicant: FRANK C. KLEIN & CO., INC., 3600 East 46th Ave., Denver, CO 80216. Representative: Manuel Andrade, 770 Grant St., Suite 228, Denver, CO 80203; (303) 861–4273. Transporting *petroleum and petroleum products:* (a) Between points in Natarona County and Carbon County, WY, on the one hand, and, on the other points in CO, ID, NE, NM, SD, UT and WY, (b) between points in CO, (c) between points in CO, on the one hand, and, on the other points in NE, NM, OK, TX, UT and WY, and (d) between those points in TX on and north of U.S. Hwy. 66, on the one hand, and, on the other points in CO, KS and NM.

MC 115180 (Sub-107), filed January 28, 1983. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. 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 115841 (Sub-786), filed January 31, 1983. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Rudolph L. Ennis, 2021 United American Plaza, P.O. Box 550, Knoxville, TN 37901; (615) 647–1440. 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 The Pillsbury Company, of Minneapolis, MN.

MC 120851 (Sub-4), filed January 28, 1983. Applicant: BLASCHKE TRUCKING COMPANY, 7831 Fairview St., Houston, TX 77041. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024; (713) 827–1407. Transporting: (1) *Mercer commodities*, (2) *metal products*, and (3) *pipe*, between points in AR, KS, LA, OK, MN, and TX.

MC 121300 (Sub-8), filed January 17, 1983. Applicant: HARRIS TRANSPORTATION CO., 14880 Love's Lane, Victorville, CA 92392. Representative: Marsha N. Honda, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017; (213) 483–4700. Transporting: (1) *Ores and minerals, metal products, building materials, machinery*, and *commodities* which because of size and weight require the use of special handling or equipment, between points in CA, on the one hand, and, on the other, points in AZ, ID, NV, OR, UT, and WA, and (2) *general commodities* (except classes A and B explosives, and household goods), between points in Los Angeles, Orange, Riverside, and San Bernardino Counties, CA. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its certificate of Registration in MC–121300 Sub-1.

Note.—Applicant seeks to convert its certificate of registration in MC–121300 Sub-1, to a certificate of public convenience and necessity in part (2) above.

MC 134780 (Sub-4), filed January 28, 1983. Applicant: UNITED TRUCK SERVICE, INC., P.O. Box 1276, Seminole, OK 74868. Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118; (405) 848–7946. Transporting *drilling mud and drilling mud additives*, between points in OK, on the one hand, and, on the other, points in MT, ND, SD, and WY.

MC 140330, filed January 26, 1983. Applicant: DEPENDABLE TANK LINES, INC. d.b.a. DEPENDABLE TRUCK LINES, Route 1, Box 94, Red Level, AL 36474. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401; (205) 578–3212. Transporting *chemicals and related products*, between points in Covington and Mobile Counties, AL, Winn County, LA, and Chatham County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143280 (Sub-35), filed January 31, 1983. Applicant: SAFE TRANSPORTATION COMPANY, 9955 W. 69th St., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121; (612) 452–8770. 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 146440 (Sub-12), filed January 26, 1983. Applicant: BOSTON CONTRACT CARRIER, INC., 34 Market St., Everett, MA 02149. Representative: Alan Bernson, Suite #30, 34 Market St., Everett, MA 02149; (617) 389–5207. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, NH, NJ, NY, and VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147850 (Sub-4), filed January 24, 1983. Applicant: BURGESS TRUCKING COMPANY, INC., P.O. Box 96, Sedley, VA 23878. Representative: Kim D. Mann, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209; (703)522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, St. Louis, MO, Providence, RI, and points in Montgomery, Morgan, Limestone, Bulter, Chilton, Lee, and Jefferson Counties, AL, Fairfield County, CT, Polk and Duval Counties, FL, Chatham, Tift, Clayton, DeKalb, Fulton, Charlton, Lowndes, and Brooks Counties, GA, McLean County, IL, Shelby County, KY, Lafayette and St. Martin Parishes, LA, Androscoggin County, ME, Suffolk and North Counties, MA, Kalamazoo and Monroe Counties, MI, Chickasaw County, MS, Mercer, Hunterdon, Bergen, Hudson, and Essex Counties, NJ, Guilford, Randolph, Davidson, Johnston, and Northampton Counties, NC, Tusarawas, Montgomery, Warren, and Cuahoga Counties, OH, Washington, Lancaster, and Bucks Counties, PA, Spartanburg County, SC, Hamblen County, TN, and Brunswick, Mecklenburg, Henrico, Chesterfield, Sussex, Southampton, and Isle of Wight Counties, VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 156751 (Sub-2), filed January 18, 1983. Applicant: GREEN ARROW MOTOR EXPRESS COMPANY, P.O. Box 1645, Tacoma, WA 98401. Representative: Robert A. Dowdy C/O Weyerhaeuser Company, Tacoma, WA 98477; (206) 924–2142. 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 Beatrice Foods Company and its subsidiaries, of

Chicago, IL, and The Sherwin-Williams Co., of Cleveland, OH.

MC 157950 (Sub-1), filed January 25, 1983. Applicant: HEISLER TRANSPORTS, INC., 128 SW 10, Oklahoma City, OK 73126. Representative: Don Cox (same address as applicant) (405) 235-3666. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164591, filed January 28, 1983. Applicant: SIGMA ENTERPRISES, INC., #1600 101 SW. Main St., Portland, OR 97204. Representative: John G. McLaughlin, 1600 One Main Pl., Portland, OR 97204; (503) 224-5525. Transporting *malt beverages*, between points in the U.S. (except AK and HI), under continuing contract(s) with Olympia Brewing Company, of Olympia, WA.

MC 165840, filed January 28, 1983. Applicant: LLOYD PETERSON d.b.a. PETERSON TRUCKING, Rt. 2, Box 71-H, Moses Lake, WA 98837. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009; (206) 453-0312. Transporting *titanium, titanium aggregate, sponges and fines*, between points in Grant County, WA, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with International Titanium, Inc., of Moses Lake, WA.

MC 165960, filed January 31, 1983. Applicant: RONALD A. PEASE d.b.a. LE-TRUCK DISTRIBUTION LTD., 759 Wright Ave., Elgin, IL 60120. Representative: Ronald A. Pease, (same address as applicant) (312) 888-0093. Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-46

Decided: February 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 1515 (Sub-328), filed January 18, 1983. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J.. Celmins (same address as applicant) (602) 248-2942. Over *regular routes*, transporting *passengers*: (1) Between Tekonsha, MI and Coldwater, MI: From Tekonsha, over MI Hwy 60 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction U.S. Hwy 12, and then over U.S. Hwy 12 to Coldwater, MI; (2) Between Three Rivers, MI and junction U.S. Hay 131 and the MI-IN State line, over U.S. Hwy 131; (3) Between Hancock, MI and Calumet, MI, over U.S. Hwy 41; (4) Between Escanaba, MI and Menominee, MI, over MI Hwy 35; (5) Between Detroit, MI and junction Interstate Hwy 94 and the MI-IN State line, over Interstate Hwy 94, serving the off-route points of Jackson, Albion, Marshall, Battle Creek, Benton Harbor, and St. Joseph, MI; (6) Between Detroit, MI and Ann Arbor, MI: From Detroit, over Interstate Hwy 96 to junction MI Hwy 14, then over MI Hwy 14 to junction U.S. Hwy 23, and then over U.S. Hwy 23 to Ann Arbor, MI; (7) Between Detroit, MI and Muskegon, MI: From Detroit, over Interstate Hwy 696 to junction Interstate Hwy 96, then over Interstate Hwy 96 to junction Business Route interstate Hwy 96, and then over Business Route Interstate Hwy 96 to Muskegon, MI, serving the off-route points of Brighton and Howell, MI; (8) Between junction Interstate Hwy 275 and Interstate Hwy 96 near Farmington, MI and junction Interstate Hwy 275 and Interstate Hwy 75 near Newport, MI, over Interstate Hwy 275; (9) Between Detroit, MI and Sault Ste. Marie, MI: From Detroit, over Interstate Hwy 75 to junction U.S. Hwy 10 near Bay City, MI, then over U.S. Hwy 10 to junction U.S. Hwy 27, and then over U.S. Hwy 27 to junction Interstate Hwy 75 south of Grayling, MI, and then over Interstate Hwy 75 to Sault Ste. Marie, MI, serving the off-route points of Pontiac, Flint, Saginaw, and Bay City, MI; (10) Between Midland, MI and junction U.S. Hwy 27 and U.S. Hwy 10 near Clare, MI: From Midland, over MI Hwy 20 to Mt. Pleasant, MI, and then over U.S. Hwy 27 to junction U.S. Hwy 10; (11) Between junction Interstate Hwy 94 and the IN-MI State line and junction Interstate Hwy 90 and the IN-IL State line: From junction Interstate Hwy 94 and the IN-MI State line over Interstate Hwy 94 to junction Interstate Hwy 90, and then over Interstate Hwy 90 to the IN-IL State line, serving the off-route point of Michigan City, IN; (12) Between Elkhart, IN and junction U.S. Hwy 131 and the IN-MI State line: From Elkhart, over IN Hwy 19 to juction IN Turnpike, then over IN Turnpike to junction U.S. Hwy 131, and then over U.S. Hwy 131 to the IN-MI State line; (13) between Elkhart, IN and Ft. Wayne, IN, over U.S. Hwy 33; (14) Between junction Interstate Hwy 64 and the IN-IL State line and junction Interstate Hwy 64 and the IN-KY State line, over Interstate Hwy 64, serving the off-route point of Evansville, IN; (15) Between junction Interstate Hwy 70 and the IN-IL State line and Terre Haute, IN, over Interstate Hwy 70; (16) Between Chicago, IL and junction Interstate Hwy 94 and the IL-WI State line, over Interstate Hwy 94; (17) Between Chicago, IL and junction Interstate Hwy 55 and the IL-MO State line at East St. Louis, IL, over Interstate Hwy 55, serving the off-route points of Joliet, Dwight, Pontiac, Bloomington, Lincoln, Springfield, and Litchfield, IL; (18) Between Chicago, IL and junction Interstate Hwy 24 and the IL-KY State line: From Chicago, over Interstate Hwy 94 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 24, then over Interstate Hwy 24 to the IL-KY State line, serving the off-route points of Gilman, Champaign, Mattoon, Effingham, Salem, Mt. Vernon, and Vienna, IL; (19) Between junction Interstate Hwy 24 and Interstate Hwy 57 south of Marion, IL and junction Interstate Hwy 57 and the IL-MO State line, over Interstate Hwy 57, serving the off-route point of Cairo, IL; (20) Between Chicago, IL and junction Interstate Hwy 90 and the IL-WI State line: From Chicago, over Interstate Hwy 290 to junction Interstate Hwy 90, then over Interstate Hwy 90 to the IL-WI State line, serving the off-route points of Northlake, Elgin, Belvidere, and Rockford, IL; (21) Between the junction of Interstate Hwy 90 and Interstate Hwy 290 near Arlington Heights, IL, and junction Interstate Hwy 90 and the IL-IN State line, over Interstate Hwy 90; (22) Between Northlake, IL and junction IL Hwy 92 and the IL-IA State line at Rock Island, IL: From Northlake, over Interstate Hwy 294 to junction IL Hwy 5 at Elmhurst, IL, then over IL Hwy 5 to junction IL Hwy 92 near Silvis, IL, and then over IL Hwy 92 to the IL-IA State line, serving the off-route points of Aurora, De Kalb, Rochelle, Dixon, and Sterling, IL; (23) Between junction Interstate Hwy 70 and the IL-MO State line at East St. Louis, IL and junction Interstate Hwy 70 and the IL-IN State line, over Interstate Hwy 70, serving the off-route points of Vandalia and Effingham, IL; (24) Between junction Interstate Hwy 64 and the IL-MO State line at East St. Louis, IL and junction Interstate Hwy 64 and the IL-IN State line, over Interstate Hwy 64, serving the off-route points of Belleville and Mt. Vernon, IL; (25) Between junction Interstate Hwy 80 and Interstate Hwy 57 near Markham, IL and junction Interstate Hwy 80 and Interstate Hwy 55 near Joliet, IL, over Interstate Hwy 80; (26) Between junction Interstate Hwy 70 and the MO-IL State line at St. Louis, MO and junction Interstate Hwy 70 and the MO-KS line at Kansas City, MO, over Interstate Hwy 70; (27) Between junction Interstate

Hwy 44 and the MO–IL State line at St. Louis, MO and junction Interstate Hwy 44 and the MO–OK State line, over Interstate Hwy 44, serving the off-route points of St. James, Rolla, and Ft. Leonard Wood, MO; (28) Between junction Interstate Hwy 55 and the MO–IL State line at St. Louis, MO and junction Interstate Hwy 55 and the MO–AR State line, over Interstate Hwy 55; (29) Between junction Interstate Hwy 57 and the MO–IL State line and junction Interstate Hwy 57 and U.S. Hwy 61 and U.S. Hwy 61 near Sikeston, MO, over Interstate Hwy 57; (30) Between junction Interstate Hwy 29 and the MO–KS State line at Kansas City, MO and junction Interstate Hwy 29 and the MO–IA State line, over Interstate Hwy 29; (31) Between junction Interstate Hwy 29 and the IA–MO State line and junction Interstate Hwy 29 and the IA–SD State line, over Interstate Hwy 29; (32) Between junction Interstate Hwy 80 and the IA–IL State line at Davenport, IA and junction Interstate Hwy 80 and the IA–NE State line at Council Bluffs, IA: From junction Interstate Hwy 80 and the IA–IL State line over Interstate Hwy 80 to junction Interstate Hwy 235, then over Interstate Hwy 235 via Des Moines, IA to junction Interstate Hwy 80, and then over Interstate Hwy 80 to the IA–NE State line; (33) Between Tama, IA and junction U.S. Hwy 63 and U.S. Hwy 6 east of Grinnell, IA, over U.S. Hwy 63; (34) Between Milwaukee, WI and junction Interstate Hwy 94 and the WI–IL State line, over Interstate Hwy 94; (35) Between Lake Geneva, WI and junction WI Hwy 50 and Interstate Hwy 94 near Kenosha, WI, over WI Hwy 50; (36) Between Stevens Point, WI and Wisconsin Rapids, WI, over WI County Road P; (37) Between Duluth, MN and St. Paul, MN: From Duluth, over Interstate Hwy 35 to junction Interstate Hwy 35E, and then over Interstate Hwy 35E to St. Paul, MN; (38) Between Sauk Centre, MN and Willmar, MN, over U.S. Hwy 71; (39) Betweeen Hibbing, MN and Duluth, MN: From Hibbing, over MN Hwy 37 to junction U.S. Hwy 53, and then over U.S. Hwy 53 to Duluth, MN; (40) Between Fargo, ND and junction Interstate Hwy 29 and ports of entry on the International boundary line between the United States and Canada at or near Pembina, ND, over Interstate Hwy 29; (41) Between Sioux Falls, SD and junction Interstate Hwy 29 and the SD–IA State line: From Sioux Falls, over Interstate Hwy 229 to junction Interstate Hwy 29, and then over Interstate Hwy 29 to the SD–IA State line; and (42) Between Paducah, KY and junction Interstate Hwy 24 and the KY–IL State line, over Interstate Hwy 24, serving in (1) through (42) above all intermediate points.

Note.—(1) Applicant intends to tack this authority with its existing authority, and (2) Applicant seeks to provide regular-route service in interstate and foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 1515 (Sub-330), filed January 24, 1983. Applicant GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative R. L. Wilson (same address as applicant) (602) 248–5016. Over *regular routes,* transporting *passengers:* (1) Between Bozeman, MT and the MT–ID State line, via West Yellowstone, MT: from Bozeman, MT over U.S. Hwy 191 to West Yellowstone, MT, then over U.S. Hwy 20 to the MT–ID State line and (2) between Tillamook, OR and Portland, OR: from Tillamook, OR over OR Hwy 6 to its junction with OR Hwy 8, near Glenwood, Or, then over OR Hwy 8 to its junction with U.S. Hwy 26, then over U.S. Hwy 26 to Portland, OR.

Note.—Applicant seeks to provide regular-route service in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

Note.—Applicant seeks to tack this authority to its existing authority in MC–1515.

MC 29854 (Sub-37), filed January 26, 1983. Applicant THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Ave., Jersey City, NJ 97306. Representative W. C. Mitchell, 370 Lexington Ave., New York, NY 10017; (212) 532–5100. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant receives governmental financial assistance for the purchase or operations of buses, or is an operator for such a recepient.

MC 110525 (Sub-1326), filed January 17, 1983. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Lionville, PA 19353. Representative: Paul L. Gausch, P.O. Box 200, Lionville, PA 19353; (215) 363–4285. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Union Carbide Corporation, of Danbury, CT.

MC 133604 (Sub-21), filed January 17, 1983. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 S. 11th Street, Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501; (515) 682–8154. Transporting *general commodities* (except household goods, classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 134924 (Sub-4), filed December 17, 1982. Applicant: DIRECT VAN LINES, INC., 14720 Southlawn Lane, Rockville, MD 20850. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902; (301) 649–5074. Transporting *household goods* (1) between points in the U.S. in and east of MN, SD, NE, CO, OK and TX, and (2) between those points in the U.S. in and east of MN, SD, NE, CO, OK and TX, on the one hand, and, on the other, those points in the U.S. west of MN, SD, NE, CO, OK, and TX.

MC 138134 (Sub-15), filed January 17, 1983. Applicant: DONALD HOLLAND TRUCKING, INC., Main Street Road, P.O. Box 648, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501; (515) 682–8154. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Henkel Corporation of Minneapolis, MN.

MC 140464 (Sub-16), filed January 17, 1983. Applicant: D–X TRUCKING, INC., 5660 Southwyck Blvd., Ste. G, Toledo, OH 43614. Representative: Michael M. Briley, 1200 Edison Plaza, P.O. Box 2088, Toledo, OH 43603; (419) 255–8220. Transporting *clay, concrete, glass or stone products,* between points in the U.S. (except AK and HI).

MC 165724, filed January 17, 1983. Applicant: 52 WRECKER SERVICE, INC., 1941 Seventh Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526; (324) 562–3460. Transporting *mobile homes, wrecked, disabled, and repossessed motor vehicles,* between points in KY, OH and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165725, filed January 17, 1983. Applicant: ROBERT PAYSON, d.b.a. R. PAYSON CARTAGE, 9960 West 151st Street, Orland Park, IL 60462. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603; (312) 236–0548. Transporting *general commodities,* (except Classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with (1) Chicago Display Company of Melrose Park, IL, and (2) Clear Pack Company of Franklin Park, IL.

MC 165755, filed January 18, 1983. Applicant: CHARLES F. NORRIS, d.b.a. MORRIS TRUCKING COMPANY, 1412 S.W. 69th Street, Oklahoma City, OK 73159. Representative: Wilburn L. Williamson, Suite 107, 50 Classen

Center, 5101 North Classen Boulevard, Oklahoma City, OK 73118; (705) 848-7946. Transporting *oilfield commodities*, between points in AR, CO, KS, LA, MT, NE, NM, ND, OK, SD, TX, and WY.

MC 165695, filed January 14, 1983. Applicant: DONNA SCHULTZ AND DELMAR VOEGELE, d.b.a. SONIC TRANSPORTATION, 19430 S.E. 384th, Auburn, WA 98002. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104; (206) 622-3220. Transporting *general commodities*, (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-071

Decided: February 7, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 61396 (Sub-412), filed January 31, 1983. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501; (402) 475-6761. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 91306 (Sub-43), filed January 31, 1983. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave. N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737-1030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 68717 (Sub-3), filed January 28, 1983. Applicant: W. N. DAUL TRANSFER LINES, INC., 1521 Ellis St., Kewaunee, WI 54216. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701; (608) 257-9521. Transporting *general commodities* (except classes A and B explosives) (1) between points in Brown, Calumet, Door, Kewaunee, Manitowoc, Outagamie and Sheboygan Counties, WI, and (2) between points named in (1) above, on the one hand, and, on the other Chicago, IL and Milwaukee, WI.

MC 133897 (Sub-4), filed January 31, 1983. Applicant: MILLVILLE TRUCKING COMPANY, INC., Orange St., P.O. Box 181, Millville, NJ 08332. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison, McLean, VA 22101; (703) 893-4924. 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 Owens-Illinois, Inc., of Toledo, OH.

MC 138157 (Sub-285), filed February 1, 1983. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. dba SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant) (615) 756-7511. 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) which Chevron Chemical Company of San Francisco, CA.

MC 151767 (Sub-5), filed January 31, 1983. Applicant: BOYD F. POWERS AND MICHAEL J. POWERS d.b.a. POWERS TRUCKING CO., 52 Market St., Lock Haven, PA 17745. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500 Washington, DC 20006; (202) 828-5015. Transporting *food and related products*, between points in MI, OH, PA, NY, VT, NH, ME, MA, RI, CT, NJ, DE, MD, VA, NC, and DC.

MC 152257 (Sub-5), filed February 1, 1983. Applicant: LORDCO TRUCKING, INC., 535-F Tollgate Rd., Elgin, IL 60120. Representative: Paul J. Maton, 27 E Monroe St., Rm 1000, Chicago, IL 60603; (312) 332-0905. Transporting *such commodities as are dealt in or used by manufacturers and distributors or containers*, between points in the U.S. (except AK and HI), under continuing contract(s) with National Can Corporation of Chicago, IL.

MC 163866, filed February 1, 1983. Applicant: KUTZLER EXPRESS, INC., 2109 45th St., Kenosha, WI 53141. Representative: Paul J. Maton, 27 East Monroe St., Suite 1000, Chicago, IL 60603; (312) 332-0905. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Ocean Spray Cranberries, Inc., of Hanson, MA.

MC 165967, filed February 1, 1983. Applicant: FOSTER BROS. TRUCKING, INC., R.R. 1, Box 244, Ferdinand, IN 47532. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240; (317) 846-6655. Transporting *coal*, between points in Martin, Daviess, Dubois and Greene Counties, IN, on the one hand, and, on the other, points in Brown County, WI.

MC 165996, filed January 28, 1983. Applicant: TNT CARTAGE COMPANY, 4443 Old Springfield Rd., Vandalia, OH 45377. Representative: Boyd B. Ferris, 50 W. Broad St., Columbis, OH 43215; (614) 464-4103. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-52

Decided: February 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 31389 (Sub-340), filed January 14, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First St., Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), (919) 721-2000. 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 Uniroyal, Inc., of Middlebury, CT.

MC 41098 (Sub-92), filed January 11, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006; 202-833-8884. Transporting *general commodities* (except classes A and B explosives, commodities in bulk), between points in the U.S., under continuing contract(s) with Honeywell, Inc., of Minneapolis, MN.

MC 51018 (Sub-18), filed January 17, 1983. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati, OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215; 614-228-1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), and commodities in bulk and household goods), between points in Hamilton County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 51018 (Sub-19), filed January 17, 1983. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati, OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215; (614) 228-1541. Transporting *general commodities* (except classes A and B explosives and commodities in bulk and household goods), between points in Boone County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 79658 (Sub-45), filed January 10, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) 812-424-2222.

Transporting *household goods*, between points in the U.S., under continuing contract(s) with Consolidated Foods Corporation, of Chicago, IL.

MC 79658 (Sub-47), filed January 11, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) 812-424-2222. Transporting *household goods*, between points in the U.S., under continuing contract(s) with ServiceMaster Industries Inc., of Downers Grove, IL.

MC 79658 (Sub-49), filed January 18, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) 812-424-2222. Transporting *household goods*, between points in the U.S. under continuing contract(s) with the Gap Stores, Inc., of San Bruno, CA.

MC 105159 (Sub-52), filed January 17, 1983. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 121 South 8th St., 1600 TCF Tower, Minneapolis, MN 55402; (612) 333-1341. Transporting *metal and metal products* between points in IL, IN, MI, MN, NJ, PA, and TX, on the one hand, and, the other, points in Pierce County, WI.

MC 117018 (Sub-6), filed January 18, 1983. Applicant: CEDARTOWN-ATLANTA FREIGHT LINES, INC., P.O. Box 127, Cedartown, GA 30125. Representative: Larry M. Treadaway (same address as applicant) (404) 748-2420. Transporting *General commodities* (except classes A and B explosives and household goods), between points in AL, GA, TN, FL, NC, and SC.

MC 133589 (Sub-8), filed January 18, 1983. Applicant: BCT, INC., P.O. Box 7219, Boise, ID 83707. Representative: James R. Daly (same address as applicant) 208-384-7230. 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 Superior Transportation Systems, Inc. of Wilsonville, OR.

MC 135399 (Sub-25), filed January 17, 1983. Applicant: HASKINS TRUCKING, INC., 1208 F.M. 1745, P.O. Drawer 7729, Longview, TX 75602. Representative: A. William Brackett, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104; (817) 332-4415. Transporting *such commodities* as are dealt in or used by foundries and industrial mills, between points in TX, LA, and AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140889 (Sub-30), filed January 17, 1983. Applicant: FIVE STAR TRUCKING, INC., 1638 Pioneer Way, El Cajon, CA 92020. Representative: Ignatius B. Trombetta, One Public Square Bldg. #1001, Cleveland, OH 44113; 216-589-0448. Transporting *metal, plastic and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with VanDorn Co. Davis Can Company Division of Solon, OH.

MC 147008 (Sub-5), filed January 19, 1983. Applicant: ALBERT NEAL WEBBER, JR. d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603; (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147169 (Sub-6), filed January 19, 1983. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United Southern Bank Bldg., Nashville, TN 37219; (615) 244-8100. Transporting *general commmodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of ND, SD, WY, UT and AZ.

MC 150099 (Sub-5), filed January 18, 1983. Applicant: ALL STATE TRUCKING CO., INC., 3400 Mesa Rd., Houston, TX 77103. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459; (713) 437-1788. 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 150898 (Sub-55), filed January 6, 1983. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearny, NJ 07032. Representative: Morton E. Kiel, 1832 Two World Trade Center, New York, NY 10048; 212-466-0220. Transporting *general commmodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 151878 (Sub-8(A)), filed January 17, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th Street NW., Suite 800, Washington, DC 20036; (202) 785-3420. To engage in operations in interstate or foreign commerce, as a *broker* at Sunnyvale, CA, in arranging for the transportation of *household goods*, between points in the U.S. (esxcept AK and HI).

Note.—Applicant also seeks authority in MC-151878 Sub 8 (B) fitness broker published in this same issue.

MC 157518 (Sub-1), filed January 14, 1983. Applicant: DONALD W. OVERCAST, SR. d.b.a. DOUBLE D TRUCKING, 1101 Hunter Drive, Mechanicsville, VA 23111. Representative: Barry Weintraub, 8133 Leesburg Pike, Suite 510, Vienna, VA 22180; (703) 442-8330. Transporting *food and related products* between Richmond, VA, Atlanta, GA, Houston, TX, Oakland, CA, and points in Orange County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162549 (Sub-1), filed January 11, 1983. Applicant: RIVER CITY FOREST PRODUCTS, INC., Indiana Hwy. 60, P.O. Box 52, Borden, IN 47106. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602; 502-223-8244. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Owen's Machinery, Inc., of Gorydon, IN.

MC 165668, filed January 17, 1983. Applicant: WAUSAU CARRIERS, INC., P.O. Box 398, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), 715-359-3497). 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 J. I. Case Company of Racine, WI.

MC 165728, filed January 17, 1983. Applicant: PULIZ MOVING & STORAGE CO., INC., 259 S. McCarran Blvd., Sparks, NV 89431. Representative: Timothy A. Puliz (same address as applicant), (702) 322-7029. Transporting *household goods*, between points in NV and CA.

MC 165759, filed January 14, 1983. Applicant: EAZOR SPECIAL SERVICES, INC., Eazor Square, Pittsburgh, PA 15201. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219; (412) 471-1800. 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 165778, filed January 19, 1983. Applicant: ACTION TRANSFER, INC., 3888 E. 45th Ave., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO

80264; (303) 861-4028. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CO.

Volume No. OP5-54

Decided: February 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 658, filed January 25, 1983. Applicant: PASHA SERVICES, 5725 Paradise Dr., Corte Madera, CA 94925. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104; 415-986-5778. As a *freight forwarder*, in connection with the transportation of *motor vehicles* between points in the U.S.

MC 41098 (Sub-93), filed January 25, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006; (202) 833-8884. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with Barber-Colman Company of Rockford, IL, and its subsidiaries, Robicon and Haskell-Dawes.

MC 79658 (Sub-51), filed January 24, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) (812) 424-2222. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Babcock & Wilcox Co., of Barberton, OH.

MC 105159 (Sub-53), filed January 25, 1983. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402; (612) 333-1341. Transporting *general commodities* (except household goods, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 108188 (Sub-17), filed January 25, 1983. Applicant: ROLLO TRUCKING CORP., INC., 295 Broadway, Keyport, NJ 07735. Representative: Fred H. Daly, 2555 M St., NW., Suite 100, Washington, DC 20037; (202) 293-3204. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 147019 (Sub-9), filed January 5, 1983. Applicant: WENGERT TRANSPORTATION, INC., d.b.a. CITY DELIVERY, 651 58th Ave. Court, S.W., Cedar Rapids, IA 52404. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312; 515-274-4985. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Polk, Henry, Scott and Linn Counties, IA on the one hand, and, on the other, points in IL and NE.

MC 152108 (Sub-4), filed January 24, 1983. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Rd., Lockport, NY 14094. Representative: David H. Baker, 600 Maryland Ave., SW., Washington, DC 20024; (202) 484-9090. Transporting *metals, metal products, and scrap metal*, between points in the U.S. (except AK and HI), under continuing contract(s) with Aluminum Company of America, of Pittsburgh, PA.

MC 153359 (Sub-1), filed January 24, 1983. Applicant: COSMOPOLITAN EXPRESS, INC., 2881 Carl Boulevard, Elk Grove Village, IL 60007, Representative: Patrick H. Smyth, 105 West Madison St., Suite 1008, Chicago, IL 60602; (312) 263-2397. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, OH, TN, and WI.

MC 158959 (Sub-1), filed January 24, 1983. Applicant: REINHART'S MEAT PROCESSING, INC., SR 2, Hollywood Hills, Branson, MO 65616. Representative: Charles J. Fain, 333 Madison St., Jefferson City, MO 65101; 314-635-4115. Transporting (1) *food and delated products*, between points in the U.S. under continuing contract(s) with George A. Hormel & Co., of Austin, MN; Canadian Valley Meat Co., of Oklahoma City, OK; FDL Foods, Inc., of Dubuque, IA; Kretschmar Brands, Inc., of Pittsburg, KS; Oldhams Farm Sausage Co., Inc., of Lee Summit, MO; Ozark Food Sales, Consumers Market, Inc., and The R.T. French Company all of Springfield, MO; and (2) *floor covering* between points in the U.S. under continuing contract(s) with Cla-Mar, Inc., of Topeka, KS.

MC 159008 (Sub-8), filed January 25, 1983. Applicant: NORTHERN CARRIERS, INC., 3814 11th St., Rockford, IL 61110. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603; 312-236-0548. 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 159189 (Sub-3), filed January 25, 1983. Applicant: MERRITT TRUCKING COMPANY, INC., P.O. Box 18346, Greensboro, NC 27419-8346. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602; 919-828-0731. Transporting *compressed gas*, between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 165869, filed January 24, 1983. Applicant: CLARENCE D. DAVIS, d.b.a. DAVIS AUTO PARTS & GROCERY, Rt. 1, Box 18, Red Banks, MS 38661. Representative: Clarence D. Davis (same address as applicant) 601-252-4461. Transporting *disabled motor vehicles* and *replacement vehicles* for disabled vehicles, in wrecker service, between points in the U.S. (except HI).

MC 165898, filed January 25, 1983. Applicant: HUGO NEU TRANSPORTATION, INC., 4221 West 700 South, Salt Lake City, UT 84104. Representative: Bill Milner, P.O. Box 27324, Salt Lake City, UT 84127; (801) 973-8665. Transporting (1) *metal products* and (2) *waste or scrap materials not identified by industry producing*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hugo Neu Steel Products, Inc., of Salt Lake City, UT.

MC 165899, filed January 24, 1983. Applicant: HENRY STEPP, d.b.a. STEPP TRUCKING COMPANY, Rte. 3, Box 254, Lamar, MO 64759. Representative: Alex M. Lewandowski, 1221 Baltimore St., Kansas City, MO 64105; 816-221-1464. Transporting *food and related products*, between points in Jackson, Clay and Platte Counties, MO, and Johnson and Wyandotte Counties, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3884 Filed 2-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon

which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-237

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1-52TA), filed January 26, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Leather and leather products* between Ipswich, MA, on the one hand, and, on the other, points in AZ, CA and CO, under continuing contract(s) with Ebinger Brothers Leather Company, Inc., Ipswich, MA. Supporting shipper: Ebinger Brothers Leather Company, Inc., 1 Peatfield Street, Ipswich, MA 01938.

MC 134806 (Sub-1-53TA), filed January 27, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Woven piece goods* between Revere, MA, on the one hand, and, on the other, points in CA, CO, OR and WA, under continuing contract(s) with Harold Davis Textile Corporation, Revere, MA. Supporting shipper: Harold Davis Textile Corporation, 765 Revere Beach Parkway, Revere, MA 02151.

MC 134806 (Sub-1-54TA), filed January 27, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Footwear* between Westbrook, ME, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract(s) with Sebago, Inc., Westbrook, ME. Supporting shipper: Sebago, Inc., 72 Bridge Street, Westbrook, ME 04092.

MC 94901 (Sub-1-1TA), filed January 27, 1983. Applicant: EDDY MESSENGER SERVICE, INC., 31 Merritt Street, Port Chester, NY 10573. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Common Carrier:* irregular routes: *general commodities (except classes A and B explosives and hazarous waste)* between points in Dutchess, Orange, Putnam, Sullivan, and Ulster Counties, NY, and Fairfield County, CT, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. Supporting shipper(s): Green Fan Co., 175 Fishkill Ave., Beacon, NY 12508; Somerset Investment Services, 251 Riverside Ave., Westport, CT 06880; Witco Chemical, 570 Fishkill Ave., Beacon, NY 12508; The Whittock Press, Inc., 18 Montgomery St., Middletown, NY.

MC 30521 (Sub-1-1TA), filed February 1, 1983. Applicant: H & L BLOOM, INC., 427 Cohannet Street, Taunton, MA 02780. Representative: Arthur M. White, Bifofsky, Walker and Tuttle, 281 Pleasant Street, P.O. Box 2547, Framingham, MA 01701. *Common carrier:* regular routes: *Passengers* between Wareham and Taunton, MA over Route 195 and Route 140, serving all intermediate points, and return over the same route; to be added and tacked to routes between Springfield and Buzzards Bay, MA, serving intermediate points as set forth in MC-30521 Sub 3. Supporting shipper(s): There are eight statements of support with this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 3647 (Sub-1-5TA), filed January 26, 1983. Applicant: NJ TRANSIT BUS OPERATIONS INC., 180 Boyden Avenue, Maplewood, NJ 07040. Representative: Irwin I. Kimmelman, Attorney General of New Jersey, By: John F. Ward, Dep. Atty. Gen., McCarter Highway & Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier:* regular routes: *Passengers* (1) Between points in Fair Lawn, NJ serving all intermediate points: From junction Saddle River Road and Fair Lawn Avenue, then over Fair Lawn Avenue to junction Plaza Road, and return over the same route. (2) Between points in Paterson, NJ serving all intermediate points: (a) From junction East Thirty-third Street and Eleventh Avenue; then over Eleventh Avenue to junction Madison Avenue, then over Madison Avenue to juction Broadway (NJ Highway 4), then over Broadway to Memorial Drive, then over Memorial Drive, to junction Market Street, then over Market Street, to junction Main Street, then over Main Street, to junction Van Houten Street, then over Van Houten Street to junction at Curtis Place. Return from junction Broadway and Curtis Place, then over Curtis Place to junction Ellison Street, then over Ellison Street, to junction Memorial Drive, then over Memorial Drive to junction Broadway (NJ Highway #4), then over Broadway to junction Madison Avenue, then over Madison Avenue to junction Eleventh Avenue, then over Eleventh Avenue to junction East Thirty-third Street; (b) From junction Church Street and Broadway, then over Broadway to junction Main street, return over the same route; (c) From junction Curtis Place and Broadway, then over Broadway to junction Main Street, then over Main Street to junction Oliver Street and Main Street, return over the same route. (3) Between points in Rutherford, NJ serving all intermediate points: From junction Union Avenue and Chestnut Street, then over Chestnut Street to junction Ames Avenue, then over Ames Avenue, to junction Orient Way, return over the same route. Note Applicant proposes to tack above described routes with existing authorized routes. Supporting shipper(s): There are 19 statements of support with this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 3647 (Sub-1-6TA), filed February 1, 1983. Applicant: NJ TRANSIT BUS OPERATIONS INC., 180 Boyden Avenue, Maplewood, NJ 07040. Representative: Irwin I. Kimmelman, Attorney General of New Jersey, By: John F. Ward, Deputy Attorney General, McCarter Highway and Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier:* regular routes: *passengers* (1) Between Paterson, N.J. and East Rutherford, N.J. serving all intermediate points: From junction Main Street and Broadway, the over Broadway to junction Curtis Place, then over Curtis Place to junction Ellison Street, then over Ellison Street to junction Washington Street, then over Washington Street to junction Market Street, then over Market Street to

junction Madison Avenue, then over Madison Avenue to junction Park Avenue, then over Park Avenue to junction Vreeland Avenue, then over Vreeland Avenue to junction East Thirty Ninth Street, then over East Thirty Ninth Street to junction Market Street, then over Market Street to junction Lakeview Avenue, then over Lakeview Avenue, and access roads to Market Street, Paterson; then over Market Street to junction River Drive, then over River Drive to U.S. Highway #46 East, then over U.S. Highway #46 East, Elmwood Park; Garfield; Lodi; Hasbrouck Heights; Teterboro; to junction Main Street, then over Main Street to junction Liberty Street then over Liberty Street, Little Ferry to junction Moonachie Road, then over Moonachie Road, Moonachie to junction Washington Avenue, then over Washington Avenue, Carlstadt and New Jersey Highway #20, then over New Jersey Highway #20 to junction New Jersey Highway #3, East Rutherford. Return from junction New Jersey Highway #3 and New Jersey Highway #20, East Rutherford, N.J., then over New Jersey Highway #20 to junction Washington Avenue, then over Washington Avenue, Carlstadt to junction Moonachie Road, then over Moonachie Road, Moonachie to junction Liberty Street, then over Liberty Street to junction Main Street then over Main Street to junction Phillips Avenue, then over Phillips Avenue to junction U.S. Highway #46 West; Little Ferry, N.J., then over U.S. Highway #46 West, Teterboro; Hasbrouck Heights; Lodi; Saddle Brook to junction River Drive; then over River Drive to junction Market Street, then over Market Street, Elmwood Park, to junction Vreeland Avenue, Paterson, then over Vreeland Avenue to junction Park Avenue, then over Park Avenue to junction Market Street, then over Market Street to junction Main Street, then over Main Street to junction Van Houten Street, then over Van Houteñ Street to junction Curtis Place, Paterson. (2) Between Teterboro and Moonachie, N.J. serving all intermediate points: From junction U.S. Highway #46 and Industrial Avenue, then over Industrial Avenue to junction Railroad Avenue, then over Railroad Avenue, Teterboro to junction Industrial Avenue then over Industrial Avenue to junction Moonachie Avenue, then over Moonachie Avenue to junction Moonachie Road, Moonachie, N.J. and return over the same route. (3) Between Hasbrouck Heights and Passaic, N.J. serving all intermediate points: From junction U.S. Highway #46 and New Jersey Highway #17, then over New Jersey Highway #17 South to junction Williams Avenue, then over Williams Avenue, and Union Street to junction Memorial Drive, Lodi, then over Memorial Drive to junction Passaic Street, then over Passaic Street, to junction Wall Street, then over Wall Street to junction Passaic Street, then over Passaic Street to junction Main Street, then over Main Street to junction Lexington Avenue, Passaic, N.J. Return over Lexington Avenue, to junction Monroe Street, then over Monroe Street to junction Main Street, then over Main Street, to junction Prospect Street, then over Prospect Street, to junction Wall Street, then over Wall Street to junction Passaic Street, Passaic; then over Passaic Street to junction Memorial Drive, then over Memorial Drive to junction Union Street, Lodi, then over Union Street and William Street to junction U.S. Highway #46, Hasbrouck Heights. (4) Between Hackensack and Ridgefield Park, N.J. serving all intermediate points: From junction Anderson Street and Main Street, then over Main Street to junction Ward Street, then over Ward Street to junction State Street, then over State Street, to junction Mercer Street, then over Mercer Street to junction Moore Street, then over Moore Street to junction Atlantic Street, then over Atlantic Street to junction Moore Street, then over Moore Street to junction Court Street, then over Court Street, W. Fort Lee Road, to junction River Road, then over River Road, to junction Main Street, then over Main Street to junction Palisade Avenue, then over Palisade Avenue to junction North Avenue, then over North Avenue to junction Main Street and Queen Anne road, Ridgefield Park. Return from North Avenue, to junction Palisade Avenue, then over Palisade Avenue, to junction Main Street, then over Main Street to junction River Road, then over River Road to junction W. Fort Lee Road, then over W. Fort Lee Road, Bridge Street to junction Moore Street, then over Moore Street to junction Atlantic Street, then over Atlantic Street to junction Moore Street, then over Moore Street to junction Mercer Street, then over Mercer Street to junction Main Street, then over Main Street to junction of Anderson Street, Hackensack. (5) Between points in Little Ferry, N.J. serving all intermediate points: From junction U.S. Highway #46 and Little Ferry Traffic Circle, then over U.S. Highway #46 to junction Liberty Street, then over Liberty Street to junction Main Street and return over the same route. Applicant proposes to join the above-described routes with its existing authorized routes via the Lincoln Tunnel to New York, NY. Abandonment of Manhattan Transit Lines is the basis of this request.

MC 165928 (Sub-1-1TA), filed January 27, 1983. Applicant: R.E.M. TRANSPORT, LTD., 27 Parkwood Drive, St. Stephen, New Brunswick, CD E3L 2W1. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier:* irregular routes: *Wood fencing,* from ports of entry on the International Boundary Line between the U.S. and CD at Calais, ME, and Champlain, NY, to points in AL, CT, DE, DC, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, under continuing contract(s) with Northern Wood Products Co., Inc. of Medford, NY. Supporting shipper: Northern Wood Products, Co., Inc., 274 Middle Island Road, Medford, NY 11763.

MC 145243 (Sub-1-1TA), filed January 28, 1983. Applicant: REDBIRD DEVELOPMENT, INC., 1018 Whitlock Road, Rochester, NY 14609. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Industrial metal hydroxide residues* between all points in the U.S., under continuing contract(s) with WRC Processing Company of McLean, VA. Supporting shipper: WRC Processing Company, 1600 Anderson Road, McLean, VA 22102.

MC 140312 (Sub-1-3TA), filed January 28, 1983. Applicant: SARGENT TRANSPORT, INC., 1882 Obi Road, Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. (1) *Electronic furniture; Chest of drawers; Dressers; Desks; Bookcases, etc., Tables or Phonographic record cabinets; completely unassembled in packages* from NY to major points in CA, IL, MT, NJ, NY, NC, OH, OR, PA and TX and (2) *Materials, equipment and supplies used in the manufacture, sale and distribution of such commodities* from major points in IL, MT, OR, NC, and PA to NY, under continuing contract(s) with Bush Industries of Little Valley, NY. Supporting shipper: Bush Industries, 312 Fair Oak Street, Little Valley, NY 14755.

MC 165985 (Sub-1-1TA), filed February 1, 1983. Applicant: TRANSPORT NORDIQUE, INC., 849, Route Benoit, Mont St-Hilaire, Quebec, CD J3G 4S6. Representative: Thomas E. Acey, Jr., Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. *Smokeless powder used in the manufacture of small arms ammunition; military and sporting small arms ammunition;* from manufacturer's plant sites in Kenvil, NJ and East Alton, IL, to points on the

International Boundary between the U.S. and CD at Rouses Point and Champlain, NY. Supporting shipper: IVI Inc., C.P./P.O. Box 790, Courcelette, Quebec, CD G0A 1R0.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 165575 (Sub-II-1TA), filed February 1, 1983. Applicant: ADIOS MOTOR FREIGHT, INC., P.O. Box 14907, Cincinnati, OH 45214. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract Irregular: 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 Kroger Co. of Cincinnati, OH and Dauphin Distribution Services Company of Camp Hill, PA for 270 days. Supporting shippers: The Kroger Co., 1014 Vine St., Cincinnati, OH 45201, and Dauphin Distribution Services Company, P.O. Box 685, Camp Hill, PA 17011.

MC 164452 (Sub-II-1TA), filed January 20, 1983. Applicant: JOSEPH F. CASSIDY, DALE J. CASSIDY AND GREGORY T. CASSIDY, PARTNERS d.b.a. CASSIDY'S EXPRESS, 5240 Comly St., Philadelphia, PA 19135. Representative: Brian L. Troiano, 918 16th St., N.W., Washington, DC 20006. *Such commodities as are dealt in by retail department stores,* between Philadelphia, PA, and its commercial zone, on the one hand, and, on the other, points in DE, DC, MD, NJ, NY, PA and VA, which are within 159 miles of Philadelphia, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Spencer Gifts, Inc., 1050 Black Horse Pike, Atlantic City, NJ 08411.

MC 147723 (Sub-II-6TA), filed January 31, 1983. Applicant: E. B. COMPANY, INC., 667 Front St., Berea, OH 44017. Representative: Susan J. Radwan (same as above). *Hardware; aluminum and aluminum articles; automobile parts; plastic and plastic articles; iron and steel products; electrical components; scrap metals and scrap plastics, glass and glass products and equipment, materials and supplies used in the manufacture and distribution of the above commodities,* between points in OH, IN, IL, MI, CA, TX, NJ, NY, MA, GA, PA and WV, on the one hand, and, on the other points in the U.S. for 270 days. Supporting shipper: Big Rig Components, Inc., 8000 Baker Ave., Cleveland, OH 44102.

MC 147723 (Sub-II-7TA), filed January 31, 1983. Applicant: E. B. COMPANY, INC., 667 Front St., Berea, OH 44017. Representative: Susan J. Radwan (same as above). *Such commodities as are dealt in by wholesale, retail chain grocery, food business houses, restaurants, institutions or hospitals and equipment, materials and supplies used in connection therein,* between points in OH, MI, IN, IL, NY, FL, IA, TN, WI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Robert E. Stumpf Sausage Company, 3301 West 63rd St., Cleveland, OH 44102.

MC 165882 (Sub-II-1TA), filed January 25, 1983. Applicant: EARLE BLEDSOE TRUCKING, 206 Lorraine Ave., Fredericksburg, VA 22401. Representative: Earle Bledsoe (same address as applicant). *Cinders (coal)* from Morgantown, MD to Fredericksburg, VA. An underlying ETA seeks 120 days authority. Supporting shipper: The Frackelton Block Co., 400 Howison Ave., Fredericksburg, VA 22401.

MC 165544 (Sub-II-1TA), filed January 17, 1983. Applicant: ELKINS TRUCKING CO., INC., P.O. Box 368, Milton, WV 25541. Representative: Edward T. Love, 4401 East West Hwy., Suite 404, Bethesda, MD 20814. Contract, Irregular: *Coal, in bulk, in dump vehicles,* from Dingess, WV to points in Boyd County, KY. An underlying ETA seeks 120 days authority. Under continuing contract(s) with K.I.M. Coal Co. Supporting shipper: K.I.M. Coal Company, 600 Kincaid Towers, 300 West Vine St., Lexington, KY 40507.

MC 142958 (Sub-II-2TA), filed February 2, 1983. Applicant: EMERGENCY MEDICAL DELIVERIES, INC., 230 Arco Dr., Toledo, OH 43607. Representative: Michael M. Briley, 300 Madison Ave., 12th Fl., Toledo, OH 43604. *(1) Medicinal intravenous solutions, dialysis patient treatment kits, mineral water and liquid formaldehyde* (except commodities in bulk, in tank vehicles) and *(2) materials and supplies used in the administration of the commodities in (1) above* between North Chicago, IL and Cincinnati, OH on the one hand, and, on the other, points in IN, KY, MI and OH, for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Abbott Laboratories, North Chicago, IL 60064.

MC 123405 (Sub-II-7TA), filed January 24, 1983. Applicant: FOOD TRANSPORT, INC., R.D. 1, Thomasville, PA 17364. Representative: Christian V Graf, 407 N Front St., Harrisburg, PA 17101. *Ice cream* from Cambria County, PA to Tucson, AZ; Denver, CO; and Albuquerque, NM. An underlying ETA seeks 120 days authority. Supporting shipper: Johnstown Sanitary Dairy Co., Div. of Penn Traffic Co., 400 Franklin St., Johnstown, PA 15901.

MC 107012 (Sub-II-261 TA), filed January 27, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except household goods, classes A & B explosives, and commodities in bulk) between points in the United States under continuing contract(s) with Documation, Inc., a subsidiary of S.T.C. of Palm Bay, Florida, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Documation, Incorporated, 340 Kirby Lane, Palm Bay, FL 32905.

MC 107012 (Sub-II-262TA), filed January 27, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except household goods, classes A & B explosives, and commodities in bulk) between points in the United States under continuing contract(s) with Amdahl Corporation of Sunnyvale, California, for 270 days. Supporting shipper: Amdahl Corporation, 1250 East Arques Ave., Sunnyvale, CA.

MC 107012 (Sub-II-263TA), filed January 27, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with International Playtex, Inc., Dover, Delaware, for 270 days. Supporting shipper: International Playtex, Inc., Playtex Park, P.O. Box 631, Dover, DE 19901.

MC 107012 (Sub-II-264TA), filed February 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives, commodities in bulk, and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with Mattel, Inc., Hawthorne, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, CA 90250.

MC 107012 (Sub-II-265TA), filed February 1, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001

U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except household goods, classes A & B explosives, and commodities in bulk) between points in the United States under continuing contract(s) with Management Assistance, Inc., Sorbus Service Division of Frazer, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Management Assistance, Inc., Sorbus Service Division, 50 East Swedesford Road, Frazer, PA 19355.

MC 147931 (Sub-II-1TA), filed January 25, 1983. Applicant: PENNI & RALPH JR. TRUCKING COMPANY, Green Acres Addition, P.O. Box 187, Craigsville, WV 26205. Representative: Penni S. Zangari (same address as applicant). *Coal, in bulk, in dump vehicles,* from points in WV to the facilities of Calgon Corp., located at Catlettsburg, KY. An underlying ETA seeks 120 days authority. Supporting shipper: Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15203.

MC 165962 (Sub-II-1TA), filed January 31, 1983. Applicant: RCJ ASSOCIATES, INC., P.O. Box 7402, Baltimore, MD 21127. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Malt beverages* from Baltimore, MD to Washington, DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Great Bay Group, 817 S. Bond St., Baltimore, MD 21231.

MC 113499 (Sub-II-3TA), filed January 24, 1983. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. #1, Falling Waters, WV 25419. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Books,* from Towaco and Pine Brook, NJ to Berryville, VA. An underlying ETA seeks 120 days authority. Supporting shipper: Dell Publishing Company, Inc., Change Bridge Road, Pine Brook, NY 07058.

MC 146807 (Sub-II-33TA), filed January 24, 1983. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Chemicals and related products* (1) between Bainbridge, NY and Philadelphia, PA, on the one hand, and, on the other, points in NJ and OH. (2) between Columbus, OH, on the one hand, and, on the other, points in CA, GA, IL, IN, KS, LA, MN, MI, MO, NJ, NV, NY, OH, OR, PA, TN, TX, and WA for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Borden Incorporated, 180 East Broad St., Columbus, OH 43215.

The following applications were filed in region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 144218 (Sub-3-4TA), filed February 2, 1983. Applicant: FELDSPAR TRUCKING COMPANY, INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: Joseph L Steinfeld, Jr., 915 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. *Contract,* irregular: *such commodities as are dealt in or used by retail department stores,* (1) between Los Angeles, CA, and points in its commercial zone, on the one hand, and, on the other, New York, NY, and Charlotte, NC, and points in their commercial zones; and (2) between Wilmington, NC, and points in its commercial zone, on the one hand, and, on the other, Charlotte, NC, and points in its commercial zone, having prior or subsequent movement in interstate or foreign commerce, under continuing contract(s) with National Shirt Shops, of New York, NY. Supporting shipper: National Shirt Shops, 19 West 34th Street, New York, NY 10001.

MC 2900 (Sub-3-37TA), filed January 31, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as above). *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Best Products Co., Inc. and its subsidiaries. Supporting shipper: Best Products Co., Inc., Highway 1, North, Ashland, VA 23005.

MC 31389 (Sub-3-16TA), filed February 2, 1983. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27154. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102. *Contract Carrier:* Irregular: *General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk),* between points in the US (except AK and HI), under continuing contract or contracts with Uniroyal, Inc. of Middlebury, CT. Supporting shipper: Uniroyal, Inc., World Headquarters, Middlebury, CT 06749.

MC 140330 (Sub-3-3TA), filed February 1, 1983. Applicant: DEPENDABLE TANK LINES, INC. d.b.a. DEPENDABLE TRUCK LINES, Route 1, Box 94, Red Level, AL 36474. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401. (1) *Methanol* between Mobile County, AL and Covington County, AL, on the one hand, and, on the other, points on and east of the Mississippi River. This includes commodities which have a prior or subsequent movement by water. (2) Glue, adhesives, resins and catalysts, and materials, chemicals, and supplies used in the manufacture of glue, adhesives, resins and catalysts, between points in Covington County, AL; Winn County, LA, and Chatham County, NC, on the one hand, and, on the other, points in the United States. Supporting shipper(s): Chembond Corporation, Winnfield, LA; Getty Refining & Marketing Company, Tulsa, OK.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 19311 (Sub-4-10TA), filed January 24, 1983. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant) 313-939-7000. Transporting *General Commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in IL, IN, MI, OH, WI, Boone, Campbell, Jefferson and Kenton Counties, KY, those points in NY on, west and north of U.S. Hwy 11, and those points in PA and WV on and west of U.S. Hwy 219, under continuing contract(s) with Chrysler Corporation.

MC 102679 (Sub-4-2TA), filed January 25, 1983. Applicant: COLLINS MOVING SYSTEMS, INC., 904 West Morgan Street, Kokomo, IN 46901. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. *Contract* irregular: *Kitchen cabinets, vanities, wall units and hardwood flooring, and parts thereto,* (1) between Las Vegas, NV and Dallas, TX, and (2) between Union City and Nappanee, IN, on the one hand, and, on the other, points in 48 states (except AK and HI). Restricted to services performed pursuant to contract(s) with Triangle Pacific Corp. Supporting shipper: Triangle Pacific Corp., 16803 Dallas Parkway, Dallas, TX.

MC 112223 (Sub-4-12TA), filed January 25, 1983. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413. *Polymeric isocyanates and*

polyurethane resine, in bulk, in tank vehicles, between points in MD, MN, NJ, NC, TN, and WV. Supporting shipper Foam Enterprises, Inc. 13630 Watertower Circle, Minneapolis, MN 55441.

MC 141605 (Sub-4-1TA), filed January 26, 1983. Applicant: LAKIN MOVING & STORAGE, INC., P.O. Box 1312, Fond du Lac, WI 54935. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956. Transporting *those commodities sold by or dealt in by the food service industry* between the facilities of Warehousing Unlimited of Fond du Lac, Inc. and Valley Warehousing of Fond du Lac, Inc. located at or near Fond du Lac, WI, and, Huntsville, AL; Little Rock, AR; Hayward, CA; Denver, CO; Miami, FL, Orlando, FL; Rome, GA; Fort Wayne, IN, Lafayette, IN; Springfield, IL; Kansas City, KS; Louisville, KY; Shreveport, LA; Jessup, MD; Pocomoke City, MD; Brockton, MA; Detroit, MI, Canton, MI; Clinton, MO, Springfield, MO; Jackson, MS; Omaha, NE; Elizabeth, NJ; Albany, NY, Horsehead, NY; Akron, OH, Cleveland, OH, Oklahoma City, OK; Myrtle Beach, SC; Knoxville, TN, Memphis, TN, Nashville, TN; Amarillo, TX, El Paso, TX, Houston, TX, San Antonio, TX; Salt Lake City, UT; Harrisonburg, VA, Norfolk, VA, Roanoke, VA for 270 days. An underlying ETA seeks 120 days. There are two supporting shippers.

MC 165398 (Sub-4-1), filed November 29, 1982. Applicant: M & J CARRIERS INC., Rural Route #1, Box 111A, Oakley, IL 62552. Representative: James E. Ashby (same address as applicant), (217) 763-2111. *General commodities* (except Classes A and B explosives and household goods) between points within the U.S. except AK and HI. There are ten supporting shippers.

MC 165905 (Sub-4-1TA), filed January 26, 1983. Applicant: R & R TRUCKING, LTD., 207 South Union Street, Loyal, WI 54446. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086, 608-238-3119. Contract carrier, over irregular routes transporting *butter and cheese* from the facilities of John Wuethrich Creamery Company, Inc. at or near Greenwood, WI to New York, NY under continuing contract(s) with John Wuethrich Creamery Company, Inc., of Greenwood WI. An underlying ETA seeks 120 day authority. Supporting Shipper, John Wuethrich Creamery Company, Inc.

MC 165907 (Sub-4-1TA), filed January 26, 1983. Applicant: JAMES L. LANDPHIER, 615 Birkinbine Drive, Sun Prairie, WI 53590. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Contract Irregular: Lumber and lumber products, from Sun Prairie, WI to points in IL on and north of I-80, under continuing contract(s) with Roberts & Dybdahl, Inc. Authority sought for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Roberts & Dybdahl, Inc., 325 Linnerud Drive, Sun Prairie, WI 53590.

MC 165908 (Sub-4-1TA), filed January 26, 1983. Applicant: COLONIAL AMERICAN TRANSPORTATION, INC., 860 Skokie Highway, Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. *General commodities* (except commodities in bulk, Classes A and B explosives and household goods), between points in the United States (except AK and HI), under continuing contract with Gould, Inc., Rolling Meadows, IL.

MC 165915 (Sub-4-1TA), filed January 26, 1983. Applicant: D & P TRANSPORT, INC., 707 North Raymond Street, Griffith, IN 46319. Representative: Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Copper and brass articles, aluminum and aluminum products, and scrap* between the facilities of R. Lavin & Sons, located at or near Chicago, IL, on the one hand, and, on the other, points in IN, WI, OH, and MI. Supporting shipper: R. Lavin & Sons, 3426 South Kedzie Avenue, Chicago, IL 60623.

MC 15735 (Sub-4-53TA), filed January 27, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household goods, exhibition and display paraphernalia and electronic process control systems, valves, pressure regulators and materials and components thereof*, between points in the U.S. (except AK and HI) under a continuing contract with Fisher Controls International, Inc. Supporting shipper: Fisher Controls International, Inc., Marshalltown, IA. 50158.

MC 15735 (Sub-4-54TA), filed January 27, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (excluding AK and HI) under a continuing contract with New York Times Company of New York, New York and its subsidiaries.

MC 134401 (Sub-4-3TA), filed January 27, 1983. Applicant: McGILLION TRANSPORT, INC., 141 Healey Road, P.O. Box 398, Bolton, Ontario, Canada LOP 1AO. Representative: Allan C. Zuckerman, 221 N. LaSalle Street, Suite 826, Chicago, IL 60601. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Machinery, and Such Commodities* as are used in the manufacture of plastic and plastic products, between ports of entry on the international boundary line between the United States and Canada in MI and NY, on the one hand, and on the other, points in the United States. Supporting shipper: Husky Injection Molding Systems, Limited, 530 Queen St., South, Bolton, Ontario, Canada LOP 1AO.

MC 163794 (Sub-4-2TA), filed January 27, 1983. Applicant: G. G. BARNETT TRANSPORT, INC., 507 York Street, Beaver Dam, WI 53916. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Food and related products* between points in WI, on the one hand, and on the other hand, points within the U.S. (except AK and HI). Supporting shipper: American Farms Corporation, 111 East Main Street, Box 311, Waupun, WI 53963.

MC 15735 (Sub-4-55TA), filed January 31, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (excluding AK and HI) under a continuing contract with ISC Systems Corporation of Spokane, Washington.

MC 15735 (Sub-4-5TA), filed January 31, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Articles, including objects of Art, Displays and Exhibits, which because of their unusual nature require specialized handling* between points in the U.S. except (AK and HI) under a continuing contract with Condit Corporation. Supporting shipper: Condit Corporation of Denver, Colorado.

MC 23441 (Sub-4-1TA), filed January 31, 1983. Applicant: LAY TRUCKING COMPANY, INC., 104 Hawthorne Street, LaPorte, IN 46350. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Combine cabs*, from Moline, IL to Independence, MO. Supporting Shipper: McLaughlin Body Company, Moline, IL.

MC 144697 (Sub-4-1TA), filed January 31, 1983. Applicant: GIBCO MOTOR

EXPRESS, INC., 3200 Haythorne Avenue, P.O. Box 478, Terre Haute, IN 47805. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491. Transporting *Coke*, from Terre Haute, IN to points in WI for 270 days. Applicant has applied for ETA authority corresponding to this application. Supporting shipper: Pickands Mather Company, 1900 Spring Road, Oakbrook, IL 60521.

MC 162041 (Sub-4-1TA), filed January 31, 1983. Applicant: P.M. SMITH CARTAGE, INC., 4140 South Herman, Milwaukee, WI 53207. Representative: Joseph P. Duffey, Esq., 111 East Wisconsin Avenue, Milwaukee, WI 53202, (414) 276-0830. Contract irregular, transporting empty metal cans and can ends or lids; malt beverages, distilled, rectified or blended liquors; wine; brandy or brandy spirits; carbonated or non-carbonated soft drinks; and equipment, materials and supplies used in the production, manufacture and distribution of such commodities, between points in the State of WI and the State of MO. Supporting shipper: Canada Dry/Grafs Bottling of Wisconsin, Inc.

MC 162041 (Sub-4-2TA), filed January 31, 1983. Applicant: P.M. SMITH CARTAGE, INC., 4140 South Herman, Milwaukee, WI 53207. Representative: Joseph P. Duffey, Esq., 111 East Wisconsin Avenue, Milwaukee, WI 53202, (414) 276-0830. *Contract*, irregular, transporting malt beverages and commodities used or useful in the manufacture, sale and distribution of malt beverages, between points in the States of WI, TN and NC. Supporting shipper: Jos. Schlitz Brewing Company.

MC 165397 (Sub-4-1TA), filed January 31, 1983. Applicant: PRAIRIE PASS SYSTEM, INC., 702 Stough, Hinsdale, IL 60455. Representative: Richard F. Porm (same address as applicant). *Fiber drums and materials equipment and supplies used in the manufacture and distribution of fiber drums*, between points in Chicago, IL Commercial Zone on the one hand, and, on the other, points in IL, IN, IA, MI, and WI. Supporting shipper: Michaels Cooperage, 380 W. Pershing Road, Chicago, IL 60609.

MC 165946 (Sub-4-1TA), filed January 31, 1983. Applicant: NORTHLAND BUS SERVICE, INC., Box 116, Surrey, ND 58785. Representative: W. L. Lesmeister (same as above). To take charter or special passengers from within the state of ND to points in the U.S. (except HI), including AK.

MC 165966 (Sub-4-2TA), filed January 31, 1983. Applicant: R&S TRUCK BROKERS, 136 S. Main St., Ithaca, MI 48847. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. *Contract*, irregular: transporting *refrigerators, other equipment, furniture, and materials used in the production of refrigerators, other equipment and furniture, utilized by restaurants and food business houses* between the facilities of The Delfield Company, Div. of Alco Foodservice Equipment Co., located at or near Mt. Pleasant, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI) under account with The Delfield Company, Div. of Alco Foodservice Equipment Co. for 270 days. Supporting shipper: The Delfield Company, Div. of Alco Foodservice Equipment Co. P.O. Box 470, Mt. Pleasant, MI 48858.

MC 165967 (Sub-4-1TA), filed January 31, 1983. Applicant: FOSTER BROS. TRUCKING, INC., R.R. 1, Box 244, Ferdinand, IN 47532. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Coal, between Martin, Daviess, Dubois, and Greene Counties, IN. Supporting shipper: Green Bay Fuels, Inc., Louisville, KY.

The following applications were filed in region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Forth Worth, TX 76102.

MC 86539 (Sub-5-2TA), filed January 24, 1983. Applicant: HIPKE TRUCKING, INC., Route 5, Atkinson, NE 68713. Representative: Bradford E. Kistler, P.O. Box 82082, Lincoln, NE 68501. *Irrigation systems, and materials, equipment and supplies used in the production and distribution of irrigation systems*, between the facilities of Energro-Olson, Inc. in Holt County, NE on the one hand, and, on the other, points in CO, IA, NE, ND, SD, MT, IL, KS, OK TX and AR. Supporting shipper: Energro-Olson, Atkinson, NE.

MC 142716 (Sub-5-4TA), filed January 25, 1983. Applicant: C & L TRUCKING, INC., P.O. Box 8355, Cedar Rapids, IA 52408. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Alcohol, in bulk, from Peoria, IL, to Bettendorf, IA. Supporting shipper: ADM Corn Sweeteners, Cedar Rapids, IA.

MC 149168 (Sub-5-4TA), filed January 24, 1983. Applicant: INTERCOASTAL CONTAINER, SERVICE CORP., P.O. Box 1770, Orange, TX 77630. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Pulpboard and Woodpulp*, moving in ocean containers, between Evadale, TX, on the one hand, and on the other, Houston, TX and New Orleans, LA, restricted to traffic having a prior or subsequent movement via water or rail. Supporting shipper: Temple-Eastex, Inc., Silsbee, TX.

MC 152136 (Sub-5-4TA), filed January 24, 1983. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 1563, Ft. Worth, TX 76053. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Tires* from Ardmore, OK to Arlington and Dallas, TX. Supporting shipper: Nortex Trailer & Tractor, Inc., Dallas, TX.

MC 159942 (Sub-5-1TA), filed January 25, 1983. Applicant: MAYWOOD, INCORPORATED, P.O. Box 30550, Amarillo, TX 79120. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Contract, irregular: *Wood products* between Amarillo, TX, and Klamath Falls, OR, under continuing contract(s) with Maywood Industries of Oregon, Inc.

MC 163372 (Sub-5-8TA), filed January 24, 1983. Applicant: TRANS-CARRIERS, INC., 1013 Camelot Cove, West Memphis, AR 72301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Packaging materials and materials and supplies used in the manufacture of packaging materials* between facilities of Van Ant Packaging, Division of Menasha Corp. at or near Martinsville, VA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, MS, and LA. Supporting shipper: Van Ant Packaging, Div. of Menasha Corp., Martinsville, VA.

MC 164366 (Sub-5-2TA), filed January 18, 1983. Applicant: AFFILIATED VAN LINES, INC., Box 209, Lawton, OK 93502. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203. Contract, irregular: *Such commodities as dealt in by supermarkets and food business houses* between points in the U.S. (except AK and HI). Supporting shipper: Herbs Discount, Inc., Lawton, OK.

MC 164814 (Sub-5-1TA), filed January 24, 1983. Applicant: RAMCO TRUCKING, INC., 4005 N.W. Expressway, Suite 320, Oklahoma City, OK 73116. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105-1961. *Mercer commodities*, between all points in the U.S. (except AK and HI). Supporting shipper(s): 18.

MC 165680 (Sub-5-1TA), filed January 25, 1983. Applicant: KEN'S DELIVERY, d.b.a. KEN TIPTON, INC., 14 Salem Rd., Conway, AR 72032. Representative: Kenneth R. Tipton (same as above).

General Commodities (excluding Classes A and B explosives, HHG's and commodities in bulk), between points in Faulkner, Conway, Perry and Pulaski Counties, AR, restricted to traffic having prior or subsequent interstate move. Supporting shipper(s): 43.

Note.—Applicant intends to interline.

MC 165710 (Sub-5-1TA), filed January 24, 1983. Applicant: STEMMANS, INC., d.b.a. TRADERS REST FARM, P.O. Box 156, Carencro, IA 70520. Representative: Donald Stemmans (same as applicant). *Thoroughbred horses, including breeding mares and foals; equipment and paraphernalia*, between Carencro, LA and AL, AR, FL, KY, MS, OK, NM, TN, TX. Supporting shipper: Horsehoe Farm, Lafayette, LA.

MC 165847 (Sub-5-1TA), filed January 24, 1983. Applicant: B & A MARINE SERVICE, INC., P.O. Box 1432, Nederland, TX 77627. Representative: Kenneth R. Hoffman, 1600 W. 38th Street, Suite 410, Austin, TX 78731. *General commodities (except Classes A and B explosives and commodities in bulk)*, between points in TX, LA, MS, AL and FL. Restricted to Hot Shot Service. Supporting shipper: Maritime Overseas Corporation.

MC 165848 (Sub-5-1TA), filed January 24, 1983. Applicant: P. L. PECORARO TRUCKING, d.b.a. P. L. PECORARO, 1227 Wooded Fork, Chesterfield, MO 63017. Representative: P. L. Pecoraro (same address as applicant). Contract irregular: *Dairy products, foodstuffs, and restaurant supplies*, between points in IL, on the one hand, and, on the other, points in AR, KY, MO, MS and TN, under continuing contract with Prairie Farms Dairy, Inc. and its P.F.D. Supply Corp. Div. Supporting shipper(s): Prairie Farms Dairy, Inc. and P.F.D. Supply Corp., Granite City, IL.

MC 165851 (Sub-5-1TA), filed January 24, 1983. Applicant: ROBERT TESTERMAN, d.b.a. BARRY COUNTY EXPRESS, R.R. 3, Anderson, MO 64831. Representative: Elizabeth Burkdoll, 1430 Commerce Tower, 911 Main Street, Kansas City, MO 64105. *General commodities, including household goods and furniture, crated and uncrated*, between all points in Jasper, Newton, Barry and McDonald Counties, MO. Supporting shippers: Hine Brothers Wood Products, Inc., Rocky Comfort, MO; Brumley & Sons, Powell, MO.

MC 165857 (Sub-5-1TA), filed January 24, 1983. Applicant: VINER'S INC., P.O. Box 290, Emerson, IA 51533. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Hides and cattle switches*, from Oakland, IA to points in CA, IL, KY, ME, MI, MO, GA, IN, NH, NJ, NY, NC, PA, TN, TX, WV, and WI. Supporting Shipper: Land O' Lakes, Inc., Spencer Beef Division, Oakland, IA.

MC 165859 (Sub-5-1TA), filed January 24, 1983. Applicant: HAROLD SEVERE, R.R. #1, Albion, IA 52531. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Pulp, paper and related products* and *chemicals and related products*, (1) between Marshall County, IA, on the one hand, and, on the other, points in WI, IL, MO, MN, NE, and Garland County, AR; and (2) between Colby and Burlington, WI; Minneapolis, MN; Kansas City, KS; Omaha, NE; and Chicago, IL, on the one hand, and, on the other, points in IA. Supporting Shipper: Packaging Corporation of America, Marshalltown, IA.

MC 165868 (Sub-5-1TA), filed January 25, 1983. Applicant: WELL-COAT, INC., Number 3 Industrial Park, Pauls Valley, OK 73075. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Pumps, accessories and attachments thereto*, between the facilities of Centrilift-Hughes located at or near Pauls Valley, OK on the one hand, and, on the other, points in AR, CA, CO, IL, KS, LA, MI, MO, MS, OH, TX and WY. Supporting shipper: Centrilift-Hughes, One Industrial Park, Pauls Valley, OK.

MC 133959 (Sub-5-8TA), filed January 27, 1983. Applicant: ALBAUGH TRUCK LINE, INC., 123 Main Street, Elkhart, IA 50073. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. General commodities (except commodities in bulk, household goods and explosives) between points in the U.S. (except AK and HI) under contract with ITOFCA Consolidators, Inc., 1001 West 31st Street, Downers Grove, IL 60515. Applicant intends to conduct intermodal operations with interline rail carriers.

MC 148564 (Sub-5-4TA), filed January 27, 1983. Applicant: G. KAY, INC., Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between Adams and Hall Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Wheeler's, Grand Island, NE 68802; Kerrco, Inc., Hastings, NE.

MC 150388 (Sub-5-6 TA), filed January 26, 1983. Applicant: BOSS TRANSPORTATION COMPANY, INC., AIRPORT INDUSTRIAL PARK, Diaz, AR 72043. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. Contract, Irregular; *General Commodities (except household goods) between points in the U.S.* (except AK and HI), under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR; Distribution Service of U.S., Inc., of Diaz, AR; and, United Freight, Inc., of Morrow, GA.

MC 156836 (Sub-5-6 TA), filed January 26, 1983. Applicant: MURRY JOHNSON, INC., State Highway 38 & I-40, P.O. Box 156, Widener, AR 72394. Representative: Earl Mills (same as above). (1) *Oleomargarine* between Mississippi County, AR on the one hand, and, on the other, points in the U.S. (except AK and HI) (2) *Food and Related Products* between Shelby County, TN on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shipper(s): Osceola Foods, Osceola, AR, Burgie Industries, Memphis, TN.

MC 163220 (Sub-5-2 TA), filed January 27, 1983. Applicant: UTILITY COMPANY, INC., 310 SE 2nd; P.O. Box 25216, Oklahoma City, OK 73125. Representative: D.R. Beeler, P.O. Box 482, Franklin, TN 37064. *Such commodities as are dealt in by chain grocery stores* between Oklahoma City, OK on the one hand, and, on the other, points in AR, CO, KS, LA, MO, NM, and TX. Supporting Shipper: Scrivner, Inc., 1101 SE 59th Street, Oklahoma City, Ok 73126.

MC 164712 (Sub-5-2 TA), filed January 27, 1983. Applicant: TRANS-OIL, LTD., 4303 Speaker Road, Kansas City, KS 66106. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *Petroleum products, in bulk, in tank vehicles*, from Kanasas City, KS, and points in its commercial zone, to St. Joseph, MO, and points in its commerial zone. Supporting Shipper: Derby Refining Co., Wichita, KS.

MC 165106 (Sub-5-1 TA), filed January 28, 1983. Applicant: RAY TRUCKING COMPANY, INC., Route 2, Box 154A, Cuba, MO 65453. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Contract, irregular, *Beer, malt beverages and malt beverage containers* between points and places in the U.S. (except AK and HI) under continuing contract(s) with Griesedieck Beverage Company, Inc. and Ed Windler & Sons, Inc. Supporting Shippers: Ed Windler & Sons, Inc., St. Charles, MO; Griesedieck Beverage Company, Inc., St. Charles, MO.

MC 165557 (Sub-5-1TA), filed January 26, 1983. Applicant: J.D. TRUCKING CO., Rt. 2 Box 1296M, Pearl River, LA 70452. Representative: Charles D.

Crawford, Rt. 2 Box 1296M, Pearl River, LA 70452. Contract; Irregular. *Coal and Coal Products in bulk,* Ex-Barge, between the Louisiana Parishes of Orleans and St. Tammany on the one hand, and, on the other, the facility of Crown Zellerbach Corporation, Washington Parish, P.O. Box 1060, Bogalusa, Louisiana 70427. Supporting shipper: Crown Zellerbach, Bogalusa, Louisiana.

MC 165773 (Sub-5-1TA), filed January 28, 1983. Applicant: GENESIS TRANSPORTATION CO., INC., 2900 Kage Road, Cape Girardeau, MO 63701. Representative: Kermit J. Meystedt, P.O. Box 291, Cape Girardeau, MO 63701. *General Commodities (except classes A and B explosives, household goods commodities in bulk, and hazardous waste)* between Butler, Cape Girardeau, and Green Counties, MO and Alexander County, IL, on the one hand, and, on the other, points in the U.S. Supporting shippers: 5.

MC 165899 (Sub-1), filed January 26, 1983. Applicant: HENRY STEPP d.b.a. STEPP TRUCKING COMPANY, Route 3, Box 254, Lamar, MO 64759. Representative: Alex M. Lewandowski, 1221 Baltimore, Ste. 600, Kansas City, MO 64105. *Food and related products,* between Jackson, Clay and Platte Counties, MO and Johnson and Wyandotte Counties, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Patco Products, A Division of C. J. Patterson Company, Grandview, MO.

MC 165911 (Sub-5-1TA), filed January 26, 1983. Applicant: GULF CARRIERS, INC., P.O. Box 42888, Dept. 288, Houston, TX 77042. Representative: Larry Strickland, 11410 Valley Spring, Houston, TX 77043. *General commodities (except Class A or B explosives, Commodities in bulk, and household goods)* between points in AL, AR, LA, MS, and TX. Supporting shipper: Bemis Co. Inc., Crossett, AR.

MC 165944 (Sub-5-1TA), filed January 28, 1983. Applicant: LARRY JOHNSON TRUCKING, INC., Rural Route 4, Box 6A, Chadron, NE 69337. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Transportation equipment* (except in bulk), between points in Box Butte County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Professional Lease Management Railcar Maintenance Company, Alliance, NE.

MC 44024 (Sub-5-1TA), filed January 31, 1983. Applicant: JOE J. DEMPEWOLF TRANSFER & STORAGE, INC., 2101 N. Union, Ponca City, OK 74601. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. *Bicycles* and *materials, equipment and supplies used in the manufacture and distribution thereof (except bulk commodities);* between the facilities of Huffy Corporation at Ponca City, OK and Arkansas City, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Huffy Corporation, Ponca City, OK.

MC 120302 (Sub-5-5TA), filed February 1, 1983. Applicant: KNOX TRUCK LINE INC., P.O.Box 2427, Grand Prairie, TX 75051. Representative: Fred Knox (same as above). *Iron and steel articles* between points in NE, IL, IN, KY, TN, and GA restricted to the customers and facilities of Zelrich Steel Co. Applicant intends to tack to existing authority. Supporting shipper: Zelrich Steel Co., Houston, TX.

MC 14896 (Sub-5-3TA), filed February 1, 1983. Applicant: O. W. SMITH TRANSPORT, INC., Route 3, Highway 71 North, DeQueen, AR 71832. Representative: Wm. Dean Overstreet, 1550 Tower Building, Little Rock, AR 72201. *Roofing materials, cant strips, tapered edge strips, Perlite roof systems, and other roofing and building materials,* between (a) points in the State of MS, on the one hand, and, on the other, points and places in the States of LA, AR, MO, IA, MN, WI, TN, AL, KY, TX, OK, KS, NE, ND, SD, MT, WY, CO and NM, and, (b) points in the States of NV, on the one hand, and, on the other, points and places in the States of MT, WY, CO, NM, AZ, UT, ID, WA, OR, and CA. Supporting shipper: Desoto Cant Strip Supply, Oliver Branch, MS.

MC 153025 (Sub-5-5TA), filed February 1, 1983. Applicant: FLANCO TRANSPORTATION, INC., 104 Thompson Avenue, Corsicana, TX 75110. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237-2385. *General Commodities, in containers or piggyback trailers, except Classes A and B explosives and commodities in bulk,* between points in TX and OK. Supporting shipper: Garrison Int'l Trade Service, Inc., DFW Airport, TX; Export Forwarding Co., Inc., Dallas, TX; Expeditors International, Inc., DFW Airport, TX; American Forwarding Company, Dallas, TX and Line Star Company, Dallas, TX.

MC 161980 (Sub-5-2TA), filed January 31, 1983. Applicant: TERS, INC., d.b.a. TRANSPORT ELECTRIC, P.O. Box 2286, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Libbock, TX 79408. *Such commodities as are dealt in and used by grocery stores and food business houses* between points in TX, OK, CO, KS, IL, IN, AL, LA, NM, AR and MO. Supporting shipper: Harrison Enterprises, Garland, TX.

MC 165947 (Sub-5-1TA), filed February 1, 1983. Applicant: HOWARD LOVE MACHINERY AND SUPPLY CO., 1717 East Loop, Suite 330, Houston, TX 77029. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Hot Coal Tar and Asphalt, in bulk,* between Laredo, TX, on the one hand, and on the other, Galveston, TX, Houston, TX, Hereford, TX, Odessa, TX, Pampa, TX, El Reno, OK, Ft. Collins, CO, Harvey, LA, Birmingham, AL, and Atlanta, GA; also between Houston, TX an Lone Star, TX, on the one hand, and on the other El Reno, OK, Ft. Collins, CO, Harvey, LA, Birmingham, AL, and Atlanta, GA. Supporting shippers: Bredero Price, Inc., Galveston, TX; A & A Coatings, Inc., Lone Star, TX; Energy Coatings Co., Division of Lukens General Industries, Tulsa, OK; Houston Pipe Coating Co., Houston, TX; and HMS Builders Supply, Houston, TX.

MC 165969 (Sub-5-1TA), filed January 31, 1983. Applicant: N J ENTERPRISES, LTD., P.O. Box 283, St. Clair, Missouri 63077. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, Missouri 65102. Transporting *alcoholic beverages and wines, processed pet food products and poultry feed, charcoal and charcoal briquets, paper, plastic, business and office supplies* between points in (KS and Dent, Franklin, Phelps, St. Louis Counties and) St. Louis City, MO, on the one hand, and, on the other, points in CA, AR, IL, IN, KS, KY, NY, and TN. Supporting shippers: 5.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 156406 (Sub-6-2TA), filed February 3, 1983. Applicant: BEASTON TRANSIT, INC., 30887 Road 50, Goshen, CA 93227. Representative: Edward L. Fanucchi, 2409 Merced St. STe. 3, Fresno, CA 93721. *Canned food,* between points in CA on one hand and points in AZ, NM, TX, CO, UT, NV, ID, WA and OR on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Early California Foods, Inc., Box 71, Visalia, CA 93279.

MC 165771 (Sub-6-1TA), filed January 28, 1983. Applicant: VIRGIL PONTES, d.b.a. BEST TRANSPORT, P.O.B. 6093 Whittier, CA 90609. Representative: Terry E. Morgan, 2131 Almanor St., Oxnard, CA 93030. *Contract carrier,* irregular routes *fresh and frozen meats between points* in TX, OK, AZ, CA, WA, OR, UT, ID, NM, LA, MS, AL, FL, under

continuing contract(s) with Midland Foods, Inc. of Dallas TX.; and *canned and bottled foods, raw vinegar (bottled), cooking wine (bottled), between* Los Angeles, CA; Amarillo, Dallas, El Paso, Fort Worth, Houston, TX; Phoenix, AZ; Albuquerque, NM; Salt Lake City UT; Eugene, Portland, OR, under continuing contract(s) with Walker Foods, Inc. of Los Angeles, CA, for 270 days. Supporting shippers: Midland Foods, Inc., 15036 Beltway Dr., Dallas TX 75234; and Walker Foods, Inc., 237 N. Mission, Los Angeles, CA 90033.

MC 158818 (Sub-6-5TA), filed January 28, 1983. Applicant: BOB BOYD, d.b.a. BOB BOYD TRUCKING, 417 North M, Livingston, MT 59047. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Fertilizer (anhydrous ammonia, diammonia, and monoammonia phosphate)* from Spokane, WA and Pocatello and Don, ID to Lewistown, MT, for 270 days. Supporting shipper: Cargill, Inc., P.O. Box 779, Lewistown, MT, 59497.

MC 152330 (Sub-6-7TA), filed February 3, 1983. Applicant: GLACIER CARRIERS, P.O. Box 490, Columbia Falls, MT 59912. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202-3357. *Contract carrier*, irregular routes: *Mercer and earth drilling commodities*, between points in WY, MT, NV, TX, OK, UT, CO, ID, IL, ND, KS, SD, and NE on the one hand, and on the other ports of entry on the international boundary between the U.S. and Canada located in WA, ID, MT and ND, under continuing contract(s) with Carriers & Shippers Services of Calgary, AB, for 270 days. Supporting shipper: Carriers & Shippers Services, 104 Woodford Dr., SW, Calgary, AB, Canada T2W 4C3.

MC 148786 (Sub-6-1TA), filed February 1, 1983. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, P.O. Box 335, Lovell, WY 82431. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, Co 80202-3357. *Mercer and earth drilling commodities*, between points in CA, CO, ID, KS, MT, ND, OK, SD, TX, UT, WA and WY, for 270 days. Supporting shippers: W.T.B., P. O. B. 11133, Spokane, WA 99211; Alaska Steel & Supply Co., Box 2905, T.A., Spokane, WA 99220; Baker Chemicals, Inc., 2801 Post Oak Blvd., Suite 258, Houston, TX 77056; and Carriers & Shippers Services, 104 Woodford Dr., S.W., Calgary, AB, Canada T2W 4C3.

MC 166033 (Sub-6-1TA), filed February 2, 1983. Applicant: PATRICK J. JOHNSON, Rt. 2, Box 1230, Ellensburg, WA 98926. Representative: Patrick J. Johnson (same as applicant) *Contract carrier*, irregular routes, *bulk fertilizer* from Interstate, ID, to Ellensburg, WA for the account of Midstate Co-op for 270 days. Supporting shipper: Midstate Co-op, P.O.B. 480, Ellensburg, WA 98926.

MC 165929 (Sub-6-1TA), filed January 27, 1983. Applicant: SHING KEE TRANSPORT, 107 Alta Vista Way, Daly City, CA 94014. Representative: Michael G. W. Lee, 407 Sansome St., Second Fl., San Francisco, CA 94111. *Food and related products* between points in CA to Portland and Eugene, OR; points in CA to Seattle and Tacoma, WA; points in CA to Houston and San Antonio, TX, for 270 days. Supporting shippers: All World Food Company, Inc., 1301—65th Street, Oakland, CA 94604; Thailand Food Company, 1683 Jerrold Avenue, San Francisco, CA 94124.

MC 165998 (Sub-6-1TA), filed February 1, 1983. Applicant: FRED O'NEIL d.b.a. FRED O'NEIL TRUCKING, P.O. Box 1305, Myrtle Creek, OR 97457. Representative: Jack L. Schiller, 111-56 76th Dr. Forest Hills, NY 11375. *Lumber and wood products* between points in OR and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Plywood Tacoma, P.O. Box 1576, Tacoma, WA 98401; Rogge Lumber, Inc. P.O. Box 609, Bandon, OR 97411; Bright Wood Corporation P.O. Box P, Madras, OR 97741; and Buffelen Company P.O. Box 1383, Tacoma, WA 98401.

MC 162698 (Sub-6-1TA), filed January 31, 1983. Applicant: ARTHUR VANDERLINDEN AND ROY VANDERLINDEN d.b.a. RAPCO DISTRIBUTING COMPANY, 3984 S. 500 W., Murray, UT 84107. Representative: Bruce W. Shand Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage*, irregular routes, *nonmetallic minerals (except fuel), concrete, clay, glass and stone products*, between points in UT, NV, and CA, for 270 days, under a continuing contract(s) with All Minerals Corporation of Murray, UT. An underlying ETA seeks 120 days authority. Shipper: All Minerals Corporation, 154 Gordon Lane, Murray, UT 84107.

MC 166032 (Sub-6-1TA), filed February 2, 1983. Applicant: ALLEN RENCHER, P.O. Box 983, Hayden Lake, ID 83835. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract Carrier*, Irregular routes: *Sawdust wood pellets*, from Sandpoint, ID to Steilacoom, WA, for the account of Day Resources, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Day Resources, Inc., P.O. Box 249, Sandpoint, ID 83864.

MC 123265 (Sub-6-9TA), filed January 28, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., Portland, OR 97204. *Contract carrier*, irregular routes *general commodities*, between points in the US (except AK and HI) under continuing contract(s) with Fred Meyer, Inc. of Portland, OR, for 270 days. Supporting shipper: Fred Meyer, Inc., P.O. Box 42121, Portland, OR 97242.

MC 123265 (Sub-6-10TA), filed February 1, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204. *Contract*, irregular routes, *talc*, in bags, between points in Gallatin County, MT and points in Pierce County, WA for Cyprus Industrial Mineral for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cyprus Industrial Mineral, POB 3419, Englewood, CO 80155.

MC 166046 (Sub-6-1TA), filed February 3, 1983. Applicant: STREAKERLINE TRANSPORT LTD., RR#5 Highway 33 East, Kelowna B.C., CD. Representative: Verdule M. Mutlitt (same as applicant). *Contract*, irregular; *Modular buildings and portable camp structures*, from British Columbia/WA border to Seattle, WA dock area for 270 days. Supporting shipper: Atco Pacific Ltd. 1704 Government Street, Penticton, B.C. CD V2A 7A1.

MC 165990 (Sub-6-1TA), filed February 1, 1983. Applicant: LEE BRUMFIELD, d.b.a. SOUTHERN IDAHO SUPPLY, Rt. 7, Box 197, Blackfoot, ID 83221. Representative: Kevin M. Clark, 2417 Bank Dr., Ste. 8, Boise, ID 83705. (1) *Building Materials and Construction Supplies, and Fertilizers and Chemicals* between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY; and (2) *Coal* between points in ID, NV, OR, and UT, for 270 days. Supporting shippers: There are 9 shippers. Their statements may be examined in the office listed.

MC 164933 (Sub-6-1TA), filed February 1, 1983. Applicant: K & G BUS TRANSPORTATION SERVICES, INC., d.b.a. WESTERN CHARTER TOURS, P.O.B. 456, Petaluma, CA 94953. Representative: Keith L. Grimm (same as applicant). *Passengers* in charter operations between Sonoma and Marin Counties, CA and points in NV for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There

are 9 shippers. Their statements may be examined in the office listed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-3483 Filed 2-11-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387]

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 constued to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review that contracts and to determine their lawfulness.

Sub-No.	Name of Railroad, contract No., and specifics	Review Board [1]	Decided date
747	Burlington Northern Railroad Co., ICC-BN-C-0236, Supplement 2, (Grain and grain products)	1	2-3-83
749	Burlington Northern Railroad Co., ICC-BN-C-0014-A, Supplement 2, (Soda ash)	3	2-3-83
750	Burlington Northern Railroad Co., ICC-BN-C-0013-A, Supplement 3, (Soda ash)	2	2-3-83
760	Missouri Pacific Railroad Co., ICC-MP-C-0239, (Corn, grain sorghums, soybeans and/or wheat)	3	2-3-83
761	The Atchison, Topeka and Santa Fe Railway Co., ICC-ATSF-C-0054, Supplement 3, (Tankage)	1	2-4-83
762	Missouri Pacific Railroad Co., ICC-MP-C-0238, (Roofing granules)	2	2-4-83
763	Southern Pacific Transportation Co., ICC-SP-C-0367, (Cotton bales)	3	2-4-83
764	Chicago and North Western Transportation Co., ICC-CNW-C-0444, (Grain and oil seeds)	1	2-4-83
765	Mr. Richard Ogilvie, Trustee for the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0338, (Primary metal products)	2	2-4-83
766	Seaboard System Railroad, Inc., ICC-SBD-C-0016, (Wood pulp)	3	2-4-83
767	Seaboard System Railroad, Inc., ICC-SBD-C-0014, (Chemicals)	1	2-4-83

[1] 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. 83-3749 Filed 2-11-83; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. P-49]

Passenger Train Operation; Atchison, Topeka and Santa Fe Railway Company

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Oakland, California and Chicago, Illinois. The operation of these trains requires the use of tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP tracks between Sacramento and Oakland, California, are temporarily out of service because of flooding. An alternative route is available via The Atchison, Topeka and Santa Fe Railway Company between Sacramento and Oakland, California, via Stockton, California.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Southern Pacific Transportation Company (SP) at Sacramento, California and Oakland, California.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

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

(d) *Effective date.* This order shall become effective at 11:30 a.m., January 28, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., Januray 31, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 28, 1983.

Interstate Commerce Commission.

J. Warren McFarland,
Agent.

[FR Doc. 83-3877 Filed 2-11-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30111]

Southern Railway Co.; Purchase (Portion); Norfolk, Franklin and Danville Railway Co.; Exemption

February 8, 1983.

Southern Railway Company (Southern) and Norfolk, Franklin and Danville Railway Company (NF&D) jointly filed a notice of exemption from the prior approval requirements of 49 U.S.C. 11343 for the purchase by Southern of NF&D's one-half interest in a line of track between MP 142.7 and MP 143.6 near Clarksville, Mecklenburg County, VA. This track is now owned jointly by Southern and NF&D. This notice is filed pursuant to 49 CFR 1180.2(d)(3). NF&D is a wholly-owned subsidiary of Norfolk and Western Railway Company (N&W). In *Norfolk Southern Corp.—Control—Norfolk & W. Ry. Co.*, 366 ICC 173 (1982), the Commission approved consolidation of Southern and N&W and the subsidiaries of each under common control of Norfolk Southern Corporation.

NF&D obtained a certificate of public convenience and necessity permitting abandonment of its line between South Hill, VA, and Blanche, NC. This abandonment authority was exercised on June 1, 1982. NF&D's abandoned line connected with Southern's Keysville, VA-Durham, NC, line at Clarksville. Before NF&D's abandonment, Southern and NF&D had operated over joint trackage in the area of Clarksville and Jeffress, VA. A portion of the trackage between MP 142.7 and MP 143.6 at Clarksville, which was formerly operated by Southern and NF&D, remains in joint ownership. Because NF&D has abandoned its operations in the Clarksville area, NF&D wishes to sell and Southern wishes to buy NF&D's one-half interest in the joint trackage. The purpose of this transaction is to eliminate NF&D's half ownership of trackage no longer connected with its rail system and to provide Southern with undivided ownership of trackage over which it alone operates and which is essential to the continuity of its Keysville-Durham Line. The transaction will not cause any change in Southern's operations at or through Clarksville. No rail carriers other than Southern serve the Clarksville area.

Because no service or operational changes will result from this transaction, Southern and NF&D anticipate no adverse effect upon employees. Southern and NF&D acquiesce to the imposition of standard conditions for protection of employee interests, as set forth in *New York Dock RY.—Control—Brooklyn Eastern Dist.*, 360 ICC 60 (1979).

This is a transaction within a corporate family and will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Therefore, the proposed transaction is the type specifically exempted from the necessity for prior review and approval. See 49 FR 1180.2(d)(3).

The Commission has determined that the employee protective provisions found in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 ICC 60 (1979), satisfy the statutory requirements for the protection of employees involved in control and merger transactions.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3876 Filed 2-11-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30103]

Union Pacific Railroad Co. and Oregon Short Line Railroad Co.; Abandonment Exemption in Valley County, ID

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Union Pacific Railroad Company and Oregon Short Line Railroad Company from 49 U.S.C. 10903-6 in connection with the abandonment of 250 feet of rail line in Valley County, ID, subject to employee protective conditions.

DATES: This exemption is effective on March 16, 1983. Petitions to stay the effective date of this decision must be filed by February 24, 1983, and petitions for reconsideration must be filed by March 7, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Joseph D. Anthofer, General Attorney, 1416 Dodge Street, Omaha, NE 68179.

Pleadings should refer to Finance Docket No. 30103.

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: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: February 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-3875 Filed 2-11-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Allied Finance Adjusters Conference, Inc; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalities Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement ("CIS") have been filed with the United States District Court for the Northern District of Illinois in *United States v. Allied Finance Adjusters Conference, Inc.*, Civil Action No. 81C-3723. The Complaint in this case alleged that Allied Finance Adjusters Conference, Inc. ("Allied"), a National association of repossessors, and its co-conspirators engaged in a combination and conspiracy to fix prices, restrict territories and limit membership in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The proposed Consent Judgment enjoins the defendant from fixing, formulating, recommending or publishing any prices for repossession services and from participating with any repossessor or with any representatives of any other repossessor association in any communication that relates to prices for repossession services. The defendant may, however, require its members to guarantee customer satisfaction regarding price, terms or conditions of providing repossession services. Further, the proposed Judgment enjoins the defendant from restricting the area in which or the customer for which its members may provide services and from restricting the geographic area for which its members may advertise. The Judgment does not, however, prohibit Allied from placing a reasonable limit on the total number of listings for each member in any Allied directory. The Judgment does not prohibit Allied from providing its members with exclusive rights to operate offices in designated geographic areas if the area covered by

any member's exclusive rights does not overlap with the area in which the same member has received exclusive territorial rights from another repossessor organization. Prior to the end of the three-year period from the date of entry of the Judgment, the defendant shall determine whether any of its members has an overlapping exclusive territory and shall either terminate, if such member so requests, any such member's right to serve such territory as an Allied member or open such territory to service by all Allied members and by all applicants for Allied membership in such territory who meet certain specified criteria. The defendant is required to publish certain information in its publications; the defendant is required also to establish an antitrust compliance program which includes annual reporting to the Department of Justice and dissemination of the Judgment to each of its officers, directors, employees and members.

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, room 7218, Antitrust Division, Department of Justice, Washington, D.C. 20530, (Telephone: (202) 633-2425).

Joseph H. Widmar,

Director of Operations.

U.S. District Court, Northern District of Illinois, Eastern Division

Stipulation

United States of America, Plaintiff v. *Allied Finance Adjusters Conference, Inc.,* Defendant.

Civil No. 81C-3723, Judge Joel M. Flaum.

Filed: January 31, 1983.

It is stipulated by the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form 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 the plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice on defendant and by filing that notice with the Court.

2. If the 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.

For the Plaintiff: William F. Baxter, *Assistant Attorney General;* Mark Leddy, John W. Poole, Jr., Thomas L. Greaney, *Attorneys, U.S. Department of Justice.*

Terrence F. McDonald, Steven B. Kramer, *Attorneys, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Ave., N.W., Washington, D.C. 20530, Telephone: (202) 633-3082.*

For the Defendant: Kenneth J. Jurek, Esq., *Mayer, Brown & Platt, 231 South LaSalle Street, Chicago, Illinois 60604, Telephone: (312) 782-0600.*

U.S. District Court, Northern District of Illinois, Eastern Division

Proposed Final Judgment

United States of America, Plaintiff, v. *Allied Finance Adjusters Conference, Inc.,* Defendant.

Civil No. 81C-3723, Judge Joel M. Flaum.

Filed: January 31, 1983.

The plaintiff, United States of America, having filed its complaint on January 5, 1981, and the Plaintiff and the defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by either party with respect to any issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction over the subject matter of this action and over both parties. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Allied" means Allied Finance Adjusters Conference, Inc.;

(B) "Person" means any individual, corporation, partnership, joint venture, firm, association, or any other business or legal entity;

(C) "Repossession services" includes, but is not limited to, tracing of property, collection and adjustment of loans, as well as repossession, sale or return of collateral;

(D) "Repossessor" means any person who owns, operates or manages an adjustment or repossession business which provides repossession services for banks, credit unions, or other lending institutions that seeks to recover merchandise sold under security agreements where the debtor has forfeited possessory rights by defaulting on loan terms;

(E) "Repossessor organization" means any trade association for repossessors or any person which licenses other persons to provide repossession services under a trademarked name;

(F) "Directory" means any Allied publication that lists members and that Allied disseminates to current or prospective Allied customers;

(G) "Exclusive territory" means a geographic area within which a repossessor organization restricts the number of its members who maintain offices for repossession services.

III

The provisions of this Final Judgment shall apply to the defendant Allied, its subsidiaries, its successors and assigns, to its officers, directors, agents and employees, and to all other persons in active concert or participation with the defendant who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

(A) The defendant, whether acting unilaterally or in concert with any other person, is enjoined from, directly or indirectly,

(1) Entering into, adhering to, or maintaining any contract, agreement, understanding, plan or program with any other repossessor organization to fix or maintain the prices of repossession services;

(2) Formulating, establishing, publishing, maintaining, or distributing any price schedule or list of fees for repossession services;

(3) Advocating, urging, recommending or suggesting any price schedule or list of fees for repossession services; or

(4) Participating in any conversation, discussion or other communication with any other repossessor organization or repossessor, or representative thereof, that in any way relates to fees for repossession services.

(B) Nothing in this paragraph shall prohibit Allied from allowing individual members to advertise in any directory independently determined prices or fees for repossession services.

(C) Nothing in this paragraph shall prohibit Allies from requiring its members to guarantee customer satisfaction regarding prices, terms of conditions of providing repossession services.

V

The defendant is ordered to include in a prominent manner in the prefatory section of each directory the following statement: In conformity with a consent decree entered into with the United States Department of Justice, Allied Finance Adjusters Conference, Inc. has discontinued publishing and disseminating fee schedules. All prior schedules are, in their entirety, null and void. Allied makes no suggestion whatsoever concerning its members' specific fees or prices for repossession services and does not restrict or limit the right of any of its members to determine, in accordance with his or her individual business judgment, the fees to charge for repossession services.

VI

The defendant is enjoined from the following unless the plaintiff approves in writing such restriction as necessary or appropriate to promote competition in the repossession industry:

(A) Restricting the area in which or the customers for which its members may provide repossession services; and

(B) Restricting the geographic area for which its members may advertise their services, *provided, however*, that nothing in this Final Judgment shall prohibit the defendant from imposing a reasonable limit on the total number of cities and towns that each member may list in any directory.

VII

(A) Nothing in this Final Judgment shall prohibit the defendant from restricting the area in which its members may operate repossessor offices if such restrictions do not grant to any member an exclusive territory which overlaps in whole or in part an exclusive territory granted to such member by any other repossessor organization, *provided* that the defendant may continue in effect any such overlapping exclusive territory held by any member on February 6, 1982, for a period not to exceed three years from the date of entry of this Final Judgment. Prior to the end of such period, the defendant (1) shall determine whether any of its members has an Allied exclusive territory that overlaps in whole or in part an exclusive territory granted by any other repossessor organization, and (2) shall either terminate, if such member so requests, any such member's right to serve such territory as an Allied member or open such territory to service, including service from repossessor offices located in such territory, by all Allied members and by all qualified applicants who wish to be accepted as Allied members serving such territory.

(B)(1) If the defendant elects to open a territory pursuant to Paragraph VII(A), it shall promptly publish in the business opportunity classified advertisement section of the newspaper with the largest circulation in the area involved, a description of Allied and of the territory that has been opened, a statement to the effect that it is obligated to accept all qualified applicants for Allied membership for such territory, a summary of the requirements for such membership, and the address to which applications by nonmembers for Allied memberships covering such territory should be forwarded. Within fifteen (15) days of receiving any application for such membership, the defendant shall furnish to the applicant a written response stating when the application will be reviewed, whether the application is complete, and if the application is not complete, an itemization of any documents or information necessary to complete the application. Defendant shall convene at least two meetings per year at which any such membership applications shall be reviewed. All applications completed before any meeting shall be reviewed at that meeting. Within ten (10) days after reviewing any membership application, the defendant shall furnish a written notice to each applicant indicating whether the applicant was accepted for Allied membership, and, if the applicant was not accepted, a written statement of reasons why the applicant was not accepted for membership.

(2) The defendant shall accept any applicant for Allied membership covering a territory that has been opened pursuant to Paragaph VII(A) who meets the following requirements:

(a) Capability of obtaining and retaining, in the commercial market, a reasonable fidelity bond;

(b) Capability of being licensed under all applicable state and local licensing laws;

(c) The absence of a felony conviction within a period of not more than ten (10) years prior to the application for membership; and

(d) Possession of eighteen (18) months of experience as an active repossessor.

(3) The defendant is enjoined from establishing or maintaining unreasonable or discriminatory fees for Allied membership for a territory that has been opened pursuant to Paragraph VII(A).

(4) The defendant is enjoined from any action, the purpose or foreseeable effect of which is to discourage service by Allied members or qualified applicants for Allied membership in areas opened pursuant to Paragraph VII(A), including but not limited to enforcement of its restriction against a member maintaining more than three full time offices in any one state.

VIII

Except as provided in Paragraph V, the defendant is ordered to amend and eliminate from its bylaws, manuals, rules, regulations and any other governing documents, any provision inconsistent with this Final Judgment.

IX

The defendant is ordered and directed:

(A) To furnish within sixty (60) days after entry of this Final Judgment a copy of it to each of its officers, directors, employees and members;

(B) To furnish a copy of this Final Judgment to each person who in the ten (10) years after entry of this Final Judgment, becomes an officer, director, or member within thirty (30) days after such person becomes associated with the defendant;

(C) To direct each person to whom a copy of this Final Judgment is furnished pursuant to subparagraphs IX(A) and IX(B) to retain such copy for as long as he or she is associated with the defendent;

(D) To require each person to whom a copy of this Final Judgment is furnished pursuant to subparagraphs IX(A) and IX(B) to sign and submit to the defendant, within thirty (30) days of receipt of a copy of this Final Judgment, a certificate in substantially the following form; and the defendant shall retain such certificates for as long as this Final Judgment is in effect and for one year thereafter:

I (1) acknowledge receipt of a copy of the 1982 antitrust Final Judgment, (2) represent that I have read and understand the Final Judgment, and (3) acknowledge that I have been advised and understand that non-compliance with the Final Judgment may result in conviction for contempt of court and imprisonment and/or fines.

(E) At least once each year, during the ten (10) years after entry of this Final Judgment, to call to the attention of each of its officers, directors, employees and members the limitations imposed upon them by this Final Judgment, and of the sanctions that may be imposed for non-compliance;

(F) To file with the court and serve upon the plaintiff, within one hundred-twenty (120) days after entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subparagraphs IX(A), IX(C), IX(D) and IX(E); and

(G) To furnish the plaintiff within thirty (30) days after each anniversary date of the entry of this Final Judgment, for a period of ten (10) years, an affidavit as to the fact of and manner of securing and ascertaining compliance with, the provisions of Sections IV, V, VI, VII, VIII, and subparagraphs IX(B), IX(C), IX(D), and IX(E) of this Final Judgment.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division and on reasonable notice to the defendant made to its principal office, any duly authorized representative of the Department of Justice shall be permitted:

(1) Access during the office hours of the defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, members, employees, or agents of the defendant, who may have counsel present, regarding any such matters;

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to the defendant's principal office, the defendant shall submit such written reports, under oath, if required, with respect to any of the matters contained in this Final Judgment as may be requested. No information or documents obtained by the means provided in this Section X 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, 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.

(C) If at the time information or documents are furnished by the defendant to plaintiff, the defendant represents and identifies in writing the material in any such information or documents for which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the 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 ten (10) days notice shall be given by plaintiff to the defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

XI

Jurisdiction is retained by the Court to enable only either of the named parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance and for the punishment of violations.

XII

This Final Judgment shall remain in effect until ten (10) years from date of entry.

XIII

Entry of this Final Judgment is in the public interest.

Joel M. Flaum,

United States District Judge.

United States District Court, Northern District of Illinois, Eastern Division

Competitive Impact Statement

United States of America, Plaintiff, v. *Allied Finance Adjusters Conference, Inc.,* Defendant.

Civil No. 81C-3723; Judge Joel M. Flaum: Filed: January 31, 1983.

This competitive impact statement analyzes the proposed final judgment ("Judgment") submitted for entry in this civil antitrust proceeding and is filed by the United States pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. section 16 (b)-(h) ("Act").

I. Nature and Purpose of the Proceeding

On January 5, 1981, the United States filed a civil antitrust complaint alleging that Allied Finance Adjusters Conference, Inc. ("Allied"), a national association of repossessors, and other co-conspirators in the repossession industry had violated Section 1 of the Sherman Act, 15 U.S.C. 1, by agreeing upon and publishing a fee schedule for repossession services, by restricting the area in which its members could advertise and provide repossession services and by limiting membership.

The complaint asks the Court to enjoin and restrain the defendant from engaging in the allegedly illegal activities and other activities with a similar purpose or effect.

Entry of this Judgment by the Court will terminate the litigation, although the Court will retain jurisdiction over the matter for possible future proceedings to interpret, modify or enforce provisions of the Judgment.

II. Nature of the Alleged Violations

Repossessors, or adjusters as they are sometimes called, provide services for banks, credit unions, and other lending institutions that seek to recover merchandise sold under a security agreement. Repossessors act as agents for lenders and furnish a variety of services to them, including tracing of property, collection and adjustment of loans, as well as repossession and sale or return of collateral.

Several nationwide repossessor organizations each publish directories or listings, which provide the names and geographic areas served by their members of franchisees, and distribute them to banks, credit unions, and other lenders across the county. Potential clients refer to these publications to identify repossessors in areas outside the client's local area because collateral often is removed from the vicinity of the lender. This "out-of-area" business comprises a significant portion of the services provided by persons affiliated with repossessor organizations. Some of these persons are actual or potential competitors of one another.

During the period covered by the complaint, Allied granted members exclusive rights to operate offices in various geographical areas. Many Allied members also held exclusive rights from other nationwide repossessor organizations to maintain offices in the same geographic territories. Thus, although several national organizations of repossessors exist, the actural number of competitors for "out-of-area" business in many markets was limited because of overlapping exclusive territories.

The complaint alleges that the defendant and co-conspirators agreed to eliminate price and other forms of competition in the trade and commerce of providing repossession services. The complaint alleges that, beginning at least as early as 1975, and continuing to the date of the filing of the complaint, the defendant and various co-conspirators engaged in a nationwide conspiracy to prepare, publish, disseminate and encourage its members to adhere to fee schedules for repossession services; to restrict membership to one member in each geographic area; to restrict the area for which each of the defendant's members could advertise and provide repossession services; and to establish arbitrary and unreasonable membership restrictions.

III. Explanation of the Proposed Final Judgment

The United State and the defendant have stipulated that the Court may enter the Judgment at any time after the parties have complied with the Act. The Judgment provides that its entry does not consititute any evidence against or admission by either party with respect to any issue of fact or law. Under Section 2(a) of the Act, the Judgment may not be entered until the Court finds that its entry is in the public interest.

The Judgment contains two principal forms of relief. First, the defendant is enjoined from engaging in behavior that constituted the alleged conspiracy. Second, the Judgment places affirmative burdens on the defendant to prevent recurrence of the alleged conspiracy.

A. Prohibited Behavior

Under Section IV of the Judgment, the defendant is restrained from: (1) Entering into any agreement with any other repossessor organization to fix prices for repossession services; (2) formulating or publishing any price schedule or list of fees for repossession services; (3) recommending any price schedule or list of fees for repossession services; or (4) participating with any repossessor or with any representative of any other repossessor organization in any communication that relates to fees for repossession services. The defendant, however, may require its members to guarantee customer satisfaction regarding prices, terms or conditions of providing repossession services. The purpose of this provision is to permit Allied to respond to complaints by customers about price gouging by its members.

Under Section VI, the defendant is enjoined from restricting the area in which or the customers for which its members may provide services and from restricting the geographic area for which its members may advertise. The Judgment, however, does not prohibit Allied, for purposes of controlling publication costs, from placing a reasonable limit on the total number of listings for each member in any Allied directory.

Section VII provides that the Judgment does not prohibit Allied from granting to its members exclusive rights to operate offices in designated geographic areas, if the area covered by any member's exclusive rights does not overlap, in whole or in part, the area in which the same member has received exclusive territorial rights from another repossessor organization. The defendant may continue in effect any such overlapping exclusive territory held by any member on February 6, 1982, for a period not to exceed three years from the date of entry of the Judgment. Section VII(A) further provides that the defendant shall determine, prior to the end of that period, whether any of its members has an overlapping exclusive territory and shall either terminate, if such member so requests, any such member's right to serve such territory as an Allied member or open such territory to service by all Allied members and by all qualified applicants who wish to be accepted as Allied members serving such territory.

The defendant is enjoined from establishing unreasonable or discriminatory fees for Allied membership for a territory that has been opened to new members under Section VII(A).

B. Affirmative Obligations

Under Section V, the defendant is required to publish a statement of compliance with the Judgment's fee-related prohibitions in a prominent manner in the prefatory section of each Allied directory.

If the defendant opens any territory pursuant to Section VII(A), it must promptly publish a notice in the business opportunity classified advertisement section of the newspaper with the largest circulation in the area involved. The defendant is required to convene at least two meetings per year in which applications for Allied memberships in any such territory shall be reviewed; after reviewing any membership application, the defendant is required promptly to send notices to the applicant indicating acceptance or to provide a written statement of the basis for rejection. Allied must accept all applicants who meet the following requirements: (a) Capability of obtaining reasonable fidelity bonds; (b) licensure under all applicable state and local laws; (c) the absence of a felony conviction for ten years prior to application; and (d) possession of

eighteen months' active experience as an owner, operator, or manager of an adjustment or repossession business.

Under Section VIII, the defendant is required to eliminate from its bylaws, manuals and other governing documents any provision inconsistent with the Judgment.

Sections IX and X require the defendant to establish an antitrust compliance program that includes an annual report to the Department of Justice and dissemination of the Judgment to each of the defendant's officers, directors, employees, and members.

Under Section XI, jurisdiction is retained by the Court for purposes of enabling either of the parties to apply to the Court at any time for such further orders necessary or appropriate for construction, modification, or enforcement of the Judgment.

C. Scope of the Proposed Judgment

The Judgment will remain in effect for ten years from its date of entry and applies to the defendant and its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with the defendant who have received actual notice of the Judgment.

D. Effect of the Proposed Judgment on Competition

The Judgment is intended to increase competition in the repossession business in two ways. It eliminates certain restraints on competition among Allied members that may have served to inhibit competition with other repossessor groups. All or most such groups had similar price schedules, and many geographic areas were served by repossessors with exclusive territorial rights from more than one repossessor organization. The decree enjoins the use of price schedules and requires Allied either to terminate any such overlapping exclusive memberships or to open such territories to competition from all Allied members and qualified applicants. On the other hand, the Judgment allows Allied to designate exclusive areas in which its members may maintain their Allied offices as long as none of the members have received overlapping exclusive territorial rights from Allied and another repossessor organization. The granting of such exclusive rights can be used by Allied to encourage its members to offer more or better service to compete more effectively with members of other repossession organizations.

Compliance with the Judgment should prevent collusion among the defendant, its members and competitors in determining prices or fees to be charged for repossession services and in unreasonable restricting the geographic territories in which Allied members operate or for which they advertise their services. The prohibition against Allied members holding exclusive rights for the same territory from more than one repossessor organization should promote competition between Allied members and persons affiliated with other repossessor organizations. To the extent that Allied opens any territories to service by all Allied members and all qualified applicants under Section VII(A), Section VII(B) is designed to ensure that the defendant will not unreasonably restrict admission to Allied membership for such territories.

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 damages suffered, as well as costs and reasonable attorney's fees.

Entry of the Judgment will neither impair nor assist the bringing of such 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 lawsuit that may be brought against the defendant by private parties.

V. Procedures Available for Modification of the Proposed Consent Judgment

As provided by the 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 that either 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 Department considered two alternatives to the Judgment. First, it considered an injunction requiring the defendant to accept as an Allied member any repossessor meeting reasonable and objective criteria. Under this alternative, Allied members would no longer be able to have exclusive rights to operate offices in given territories. The Department rejected this alternative in favor of the provisions in the proposed Judgment that will prohibit Allied members from obtaining exclusive rights in areas where the same members have received exclusive rights from any other repossessor organization. The rejected alternative would have significantly reduced Allied's incentive to take the steps necessary to distinguish its members and the quality of their service from the members and service associated with other organizations. The Department anticipates that Allied can use the limited exclusive rights it may grant under the Judgment to encourage its members to offer improved services to compete more effectively with members of other repossessor organizations. By prohibiting Allied members from obtaining exclusive rights in areas where the same members have received exclusive rights from any other repossessor organization, the Judgment is expected to increase competition among the different repossessor organizations now active in various parts of the country.

The second alternative to the Judgment considered by the Department was a full trial on the merits. The Department considers the Judgment to be of sufficient scope and effectiveness to make a trial unnecessary.

VII. Determinative Materials and Documents

The Department did not consider any materials or documents of the type described in Section 2(b) of the Act in formulating the Judgment.

Respectfully submitted,

Terrence F. McDonald,

Steven B. Kramer,

Attorneys, Antitrust Division, United States Department of Justice, Washington, D.C. 20530, Telephone: (202) 633-3082.

[FR Doc. 83-3951 Filed 2-11-83; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 82-23]

Samuel Fertig, M.D., Cedarhurst, New York; Hearing

Notice is hereby given that on September 15, 1982, the Drug Enforcement Administration, Department of Justice, issued to Samuel Fertig, M.D., as Order To Show Caues as to why the Drug Enforcement Administration should not deny the application, executed by him on December 7, 1981, for registration under Section 303 of the Controlled Substances Act (21 U.S.C. 823) to possess, dispense, prescribe and otherwise handle controlled substances in Schedules IIN, III, IIIN, IV and V.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Thursday, March 3, 1983, in Hearing Room 238, 2nd Floor, 26 Federal Building, New York, New York.

Dated February 7, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-3909 Filed 2-11-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Statement of Organization; Information for Guidance of the Public

A. Creation and Authority. The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of

1950, as amended, and related legislation, 42 U.S.C. 1961 *et seq.*, and was given additional authority by the National Defense Education Act of 1958 (72 Stat. 1601; 42 U.S.C. 1876–1879). The Foundation consists of the National Science Board of 24 members and a Director, each appointed by the President with the advice and consent of the U.S. Senate. Other senior officials include a Deputy Director and six Assistant Directors.

The Foundation's organic legislation authorizes it to engage in the following activities.

1. Initiate and support scientific and engineering research and programs to strengthen scientific and engineering research potential and education programs at all levels and appraise the impact of research upon industrial development and the general welfare.

2. Award graduate fellowships in the sciences and in engineering.

3. Foster the interchange of scientific information among scientists and engineers in the United States and foreign countries.

4. Foster and support the development and use of computers and other scientific methods and technologies, primarily for research and education in the sciences.

5. Evaluate the status and needs of the various sciences and fields of engineering and take into consideration the results of this evaluation in correlating its research and educational programs with other Federal and non-Federal programs.

6. Maintain a current register of scientific and technical personnel, and in other ways provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and technical resources in the United States, and provide a source of information for policy formulation by other Federal agencies.

7. Determine the total amount of Federal money received by universities, and appropriate organizations for the conduct of scientific and engineering research, including both basic and applied, but excluding development, and report annually thereon to the President and the Congress.

8. Initiate and support specific activities in connection with matters relating to international cooperation, national security, and the effects of scientific and technological applications upon society.

9. Initiate and support scientific research, including applied research, at academic and other nonprofit institutions and at the direction of the President support applied reearch at other organizations.

10. Recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences and engineering.

11. Support activities designed to increase the participation of women and minorities in science and technology.

B. **Organization.** The Foundation is organized along functional and disciplinary lines corresponding to program support of science, engineering and science education.

1. *National Science Board.* The National Science Board is composed of 24 part-time members and the Director of the Foundation *ex officio.* Members are appointed by the President, with the advice and consent of the Senate, for 6-year terms. Members are selected because of their distinguished service in science, medicine, engineering, agriculture, education, public affairs, research management, or industry. They are chosen in such a way as to be representative of scientific leadership in all areas of the Nation. The officers of the Board, the Chairman and Vice Chairman, are elected by the Board from among its members for 2-year terms. The Board exercises authority granted it by the NSF Act, including establishing policies for carrying out the purposes of the Act. Meetings of the Board are governed by the Government in the Sunshine Act (Pub. L. 94–409) and the Board's Sunshine regulations (45 CFR Part 614). The policies of the Board on the support of science and engineering and development of scientific human resources are generally implemented through the various programs of the Foundation. The National Science Board is required by statute to render an annual report to the President for submission to the Congress.

2. *Director.* The Director of the National Science Foundation is appointed by the President, with the advice and consent of the Senate. The Director is the Chief Executive Officer of the Foundation and he serves *ex officio* as a member of the National Science Board and as Chairman of its Executive Committee. The Director is responsible for the execution of the Foundation's programs in accordance with the NSF Act and other provisions of law, and the powers and duties delegated to the Director by the Board and for recommending policy considerations to the Board. The Director is assisted by a Deputy Director who is appointed by the President, with the advice and consent of the Senate.

C. *Activities of the Foundation.* The Activities of the Foundation are carried out by a number of Foundation components reporting to the Director through their respective senior officers.

1. *Staff Offices.* a. *Director, Office of Audit and Oversight.* Responsible for post hoc sampling of proposal actions and post-award administration to evaluate documentation and adherence to stated procedures; assessing overall system performance and recommendations for improved and simplified procedures; investigating charges of improper actions by NSF staff and monitoring the decision reconsideration system; conducting financial, evaluation, and program audits; and monitoring and coordinating procedures for scientific oversight undertaken by disciplinary advisory panels.

b. *Director, Office of Equal Opportunity.* Responsible for developing, maintaining, and carrying out a continuing Agency-wide affirmative action program designed to provide equal employment opportunity for all persons and to eradicate every form of prejudice or discrimination based on race, color, religion, sex, age, or national origin.

c. *Director, Office of Government and Public Programs.* Responsible for representing the Foundation, the Director, and key associates in relationship with the Congress, the communications media and the public, various academic groups and professional societies, institutions, and other NSF clientele. The Office of Government and Public Programs carries out the above responsibilities through four major elements: the Congressional Liaison Branch, the Public Information Branch, the Communications Resource Branch, and the Community Affairs Branch.

d. *Director, Office of Planning and Resources Management.* Responsible for the formulation, presentation and execution of the budget; the development of program plans and long-range planning estimates; and a range of functions associated with the appropriation and authorization processes. The organization consists of two Divisions and one Office: the Division of Budget and Program Analysis, consisting of the Budgeting Section and the Programming Section; the Division of Planning and Policy Analysis, consisting of the Policy Analysis Section and the Program Review Section; and the Office of Special Projects, responsible for preparing policy-related reports such as the Administration's *Annual Science and Technology Report* and the *Five-Year Outlook on Science and Technology.*

e. *Director, Office of Scientific and Engineering Personnel and Education.* Serves as the focal point in NSF for all aspects of policy, planning and programs relating to scientific and engineering personnel and education. The Office consists of two Sections. The Fellowships Section manages programs for the graduate and postdoctoral training for individuals identified in national competitions as having outstanding potential for research accomplishment in science or engineering. The Award Administration and Liaison Section provides management oversight and administration of major high impact and high visibility active awards funded by the former Directorate for Science and Engineering Education, and of other activities as assigned. The Section also develops analyses and technical assistance on the Nation's science and engineering education system.

f. *Director, Office of Small Business Research and Development.* Responsible for fostering communication between the National Science Foundation and the small business community; collecting, analyzing, compiling, and publishing information concerning grants and contracts awarded to small business concerns by the Foundation; assisting small business concerns in obtaining information regarding programs, policies, and procedures of the Foundation; and recommending to the Director and to the National Science Board any changes in procedures and practices which would enable the Foundation to use more fully the resources of the small business research and development community.

g. *Director, Office of Small and Disadvantaged Business Utilization.* Responsible for NSF compliance with the provisions of Pub. L. 95-507. Assists small and disadvantaged businesses with information about NSF programs and procurement opportunities.

h. *General Counsel.* Provides legal advice to the Director, the National Science Board, and NSF staff and represents them in legal matters, including the development of law and regulations likely to affect the NSF, science, or the use of science. Prepares and coordinates NSF comments on proposed legislation.

2. *Directorates.* a. *Assistant Director for Administration.* Serves as the principal advisor to the Director on all admininstrative and general management activities of the National Science Foundation. This responsibility encompasses: grants and contracts administration, management analysis, personnel management and employee-oriented programs, general administrative and logistic support functions, financial management systems, and information processing activities, including the operation of the NSF computer facility. The organization consists of one Office and five Divisions: Health Services; Division of Grants and Contracts; Division of Information Systems; Division of Personnel and Management; Division of Financial Management; and Division of Administrative Services. In addition, a Reform '88 Project Coordination Staff has been established within this Directorate to assist the Assistant Director for Administration in carrying out the requirements on Reform '88. This Staff develops policies and procedures for the conduct of Reform '88, maintains liaison with the Office of Management and Budget and other organizations concerned with Reform '88 and provides oversight and review of Reform '88 activities in NSF in order to keep NSF management informed of the Agency status in achieving assigned goals.

(1) *Division of Administrative Services.* Responsible for the management and direction of administrative services in the following areas: Travel arrangements; procurement and issuance of supplies, materials and equipment, including maintenance; space management; communications and building maintenance; records disposition; mail (including mailing list control) and messenger services; property accountability records; document and building security matters; printing, reproduction and binding services, including publications distribution and storage, contractual, and typographic services. This Division also provides a library program for the Foundation.

(2) *Division of Financial Management.* Responsible for the development, coordination and direction of financial mamagement policies, programs, and operations, and responsible for the design of modern automated business management systems. This Division provides fund control, payroll and disbursing services, and maintains accounting systems to manage the financial aspects of Foundation operations and to produce timely and accurate data for financial management and budgetary purposes.

(3) *Division of Grants and Contracts.* Responsible for the negotiation of grants and contracts or other arrangements in accordance with existing laws, regulations, and foundation policy and procedures. Negotiation includes those activities necessary to obtain agreement on the arrangements between the grantee or contractor and the Foundation prior to the making of an award. Administration includes those administrative activities necessary to execute the award, monitor performance, and close out the grant, contract, or other arrangement.

(4) *Division of Information Systems.* Responsible for development, operation, maintenance and oversight of automated systems that provide management information and support program and administrative staff activities throughout the Foundation's business cycle. Included are policy development, technical assistance, systems analysis (for both manual and automated systems), computer programming, operation of the central computer facility, implementation/coordination of office automation/word processing systems and external computing services, and a variety of services for document handling and data entry for proposals, award budgets, reviewer forms, financial management, and grants and contracts administration.

(5) *Division of Personnel and Management.* Responsible for planning, developing, and implementing the personnel management program of the Foundation to provide for the effective acquisition, retention, motivation, development, and utilization of NSF personnel as well as for improvement of Foundation management systems and procedures.

b. *Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences.* The Assistant Director is appointed by the President, by and with the advice and consent of the Senate. The Assistant Director is responsible for the conduct of the Foundation's programs in the areas of astronomical, atmospheric, earth, and ocean sciences, and polar multidisciplinary sciences. The Assistant Director serves as the Director's principal advisor in these areas, formulating long-range plans, annual programs and priorities, and research policy within the framework of statutory and National Science Board authority. The Directorate is organized into five Divisions and one Office under the leadership of Division/Office Directors who report to the Assistant Director. Each Division is subdivided, on a disciplinary or functional basis into Sections and Programs, as appropriate, for effective management.

(1) *Division of Astronomical Sciences.* The Division is responsible for research support in all areas of ground-based astronomy aimed at examining the physical principles governing the universe, the solar system, individual stars and stellar groups, and such

phenomena as quasars, active galactic nuclei, and molecular lasers. The Division provides operational support for major university observatories and funding for the development and acquisition of new instrumentation incorporating the latest technological advances in astronomical instrumentation. In addition, the Division provides developmental and operational support for the five National Astronomy Centers that are operated and managed by nonprofit organizations or universities under contract to the Foundation: National Astronomy and Ionosphere Center (NAIC), Arecibo, Puerto Rico; Kitt Peak National Observatory (KPNO), Kitt Peak, AZ; Cerro Tololo Inter-American Observatory (CTIO), Cerro Tololo, Chile; National Radio Astronomy Observatory (NRAO), Socorro, NM; and Sacramento Peak Observatory (SPO), Sunspot, NM. The Division is responsible also for carrying out the Foundation's responsibilities in electromagnetic spectrum management, and coordinates the U.S. scientific effort related to total solar eclipses. The major objective of the Division of Astronomical Sciences is to increase understanding of the physical principles governing the universe and the properties and behavior of astronomical objects and phenomena of outer space.

(2) *Division of Atmospheric Sciences.* The Division is responsible for support of research at U.S. academic institutions for a wide range of investigations directed towards expanding fundamental knowledge of the atmospheres of the earth, other planets, and the sun. Research is conducted through a variety of programs including aeronomy, atmospheric chemistry, climate dynamics, experimental meteorology, global atmospheric research, meteorology, and solar terrestrial research. In addition, the Division provides developmental and operational support for the National Center for Atmospheric Research (NCAR), operated and managed by a nonprofit consortium of 49 universities under contract to the Foundation. The Divison is responsible, also, for the development and coordination of an NSF-sponsored longitudinal chain of incoherent scatter radars, ranging from Greenland to the magnetic equator. The objective of the Division of Atmospheric Sciences is to expand fundamental knowledge and understanding of the physical behavior of climate and weather, natural global cycles of gases and particles in the earth's atmosphere, the composition and dynamics of the upper atmospheric systems, and increased knowledge of the sun and neighboring planets as they relate to a greater understanding of the earth's upper atmosphere and space environment.

(3) *Division of Earth Sciences.* The Division is responsible for support of research directed toward a greater understanding of the earth's evolution from its beginning to the present, its chemical and physical properties, and the processes that operate on it to produce various landforms and mineral resources. The Division supports research at U.S. academic institutions through a wide range of interdisciplinary programs: Stratigraphy and paleontology, environmental geosciences, crustal structure and tectonics, seismology and deep earth structure, experimental and theoretical geophysics, petrogenesis and mineral resources, mantle geochemistry, and experimental and theoretical geochemistry. The objective of the Division of Earth Sciences is to enhance basic knowledge of the structure and evolution of the earth and the organisms living on it from its beginning to the present time; its chemcial and physical properties; and the processes that create continents, mountains, plains, fertile soils, ore deposits, earthquakes, landslides, and volcanic eruptions.

(4) *Division of Ocean Sciences.* The Division is responsible for support at U.S. academic institutions of all aspects of ocean sciences research directed towards an improved basic understanding of the sea and its relationship to human activities. Division support is channeled through two major program areas: Ocean sciences research projects investigating the physical, chemical, geological, and biological processes in the ocean and its boundaries; and oceanographic facilities support for research ships and for specialized shared-use facilities operated by U.S. academic oceanographic institutions. The major objective of the Division of Ocean Sciences is to ensure the availability of oceanographic research facilities for NSF-sponsored basic research and to improve basic understanding of ocean masses; the response of the ocean to the atmosphere; the ocean's influence on local weather conditions and global climate; the role of the ocean in transporting and dispersing pollutants; the nature, composition and movement of ocean waters; the nature and distribution of marine organisms, and the character of the ocean floor.

(5) *Division of Polar Programs.* The Division is responsible for NSF management and support of national goals and Foundation scientific interests in the earth's polar regions. In the antarctic, the Division is responsible for the conduct of the U.S. Antarctic Research Program as a national program under Presidential directives, supporting national interest and policy in Antarctica to: Maintain the Antarctic Treaty, insure that the continent continues to be used for peaceful purposes only, foster cooperative research contributing to the solution of regional and worldwide problems, protect the environment, and insure equitable and wise use of living and nonliving resources. The Division has overall management and funding responsibility for the U.S. Antarctic Research Program, including direct support of multidisciplinary science activities and logistic and facilities support required for the conduct of antarctic research. In addition, the Division of Polar Programs is responsible for support of arctic research aimed at the advancement of scientific knowledge in selected areas of fundamental research that are best of uniquely pursued in the Arctic that compliments and extends the arctic research programs and other elements of the Foundation and other Federal agencies. The Division is responsible, also, for coordination between NSF and the Danish government for all NSF-supported research conducted in Greenland. The major objective of the Division of Polar Programs is to acquire new knowledge of the relationship of the earth's polar regions to global weather and climate; to develop a better understanding of upper atmosphere physics, tectonics, terrestrial biology, and paleontology of the polar regions and their relationship to the rest of the world; to evaluate the scientific basis for possible renewable and nonrenewable resources; and to foster cooperative international research contributing to these objectives and toward environmental protection of the earth's polar regions.

(6) *Office of Scientific Ocean Drilling.* Responsible for the management and the support of the development and operations of the Foundation's worldwide program of scientific deep sea drilling. This is accomplished through two major activities; the Deep Sea Drilling Project (DSDP) and the Advanced Ocean Drilling Program (AOD). DSDP scientific investigations, a reconnaissance of the global ocean floor, have been essential to development of the plate tectonics hypothesis; AOD is a planning effort to define and direct future drilling objectives and techniques. The Office

directs and supports, through contracts, scientific planning and operations, the acquisition and conversion of research vessels, and the development of new drilling techniques and systems.

c. *Assistant Director for Biological, Behavioral, and Social Sciences.* Appointed by the President, with the advice and consent of the Senate. The Assistant Director serves as principal advisor to the Director in the development of long-range plans, annual programs, and research policy in the biological, behavioral, and social sciences as established under the statutory and the National Science Board authority. The Assistant Director is also responsible for developing and implementing programs to strengthen scientific research potential in these sciences. The Directorate, composed of five Divisions, each reporting to the Assistant Director, is structured primarily on a disciplinary basis. Each Division, headed by a Division Director, is subdivided into Programs.

(1) *Division of Behavioral and Neural Sciences.* Responsible for basic and applied research in anthropology, linguistics, memory and cognitive processes, neurobiology, psychobiology, sensory physiology and perception, and social and developmental psychology. The Division also provides support for dissertation research, systematic anthropological collections, conferences and workshops, specialized facilities, and instrumentation. The major goals of the Division are to advance human understanding of behavior and nervous systems and to comprehend better the biological, phychological, and cultural mechanisms underlying behavior.

(2) *Division of Biotic Systems and Resources.* Responsible for research in ecology, ecosystem studies, population biology and physiological ecology, and systematic biology. The Division provides support for biological research resources such as systematic collections, controlled environmental facilities, field research facilities, and culture collections. Support is also provided for dissertation research, research equipment, and research conferences and workshops. The research supported by this Division is to advance knowledge of the attributes and interrelations of organisms, populations, and communities as they exist in their natural environment.

(3) *Division of Information Science and Technology.* Responsible for programs to increase understanding of the properties and structure of information and information transfer, to contribute to the store of scientific and technical knowledge which can be applied in the design of information systems, and to improve understanding of the economic and other impacts of information science and technology.

(4) *Division of Physiology, Cellular, and Molecular Biology.* Responsible for supporting research in the fields of biochemistry, biophysics, genetics, cell physiology, cellular, developmental, metabolic, and regulatory biology, and on alternative biological resources. The Division also provides support for specialized facilities, research conferences and workshops, and biological instrumentation. The major objectives of the Division are to understand better how plants, animals, and microbes regulate their metabolic and physiological activities; reproduce, grow, and age; and, in physical and chemical terms, how these life processes occur at the molecular, cellular, and organismal level.

(5) *Division of Social and Economic Science.* Responsible for basic and applied disciplinary and multidisciplinary research in economics, geography and regional science, history and philosophy of science, law and social sciences, political science, sociology, measurement methodology, decision and management science, and regulation an policy analysis. The goal of the Division is to develop fundamental knowledge of how social and economic systems work, to advance understanding of organizations and institutions, how they function and change, and to enhance the scientific capability of research efforts designed to produce explanations of how human interaction and decisionmaking take place. Programs within the Division also consider proposals for doctoral dissertation support, research conferences, the acquisition of specialized research equipment, group international travel, and data resources development.

d. *Assistant director for Engineering.* Responsible for strengthening engineering research and, as appropriate, focusing research in areas which are relevant to national problems. This is accomplished by supporting research across the entire range of engineering disciplines and by identifying and supporting special areas of engineering research where results are expected to have timely and topical impacts on the selected problems. The specific objectives of the Directorate for Engineering are to advance fundamental knowledge of engineering principles that can be applied to the analysis and design of a large variety of man-made devices, systems, and processes; strengthen the academic engineering research base in order to address the need for increased basic knowledge underlying engineering technology; create an improved academic reseach environment which will encourage larger numbers of young engineers to seek graduate education and enter research; and stimulate the application of fundamental engineering knowledge and capabilities towards the solution of significant problems of national interest. The Assistant Director participates with the Director in planning, analyzing, and evaluating activities and in establishing and maintaining an effective liaison with the Congress, other Federal agencies, the educational and scientific communities, professional societies, and other interested parties. Four divisions report to the Assistant Director. Each Division is headed by a Division Director and generally subdivided on a disciplinary or functional basis into Sections and/or Programs. Within the Office of the Assistant Director for Engineering, the Office of Interdisciplinary Research seeks to bring scientific and engineering expertise to bear most effectively on problems spanning several fields, recognizing that scientific, engineering, and societal problems often cannot be addressed using the knowledge and methods from a single discipline. Activities are undertaken to identify potential research areas and to stimulate quality interdisciplinary research proposals. Support also may be provided to study the interdisciplinary research process to improve both the effectiveness of the process itself and the mechanisms for research support. Conferences and workshops are conducted and interdisciplinary state-of-the-art review papers are written in order to identify societal or scientific or engineering problems, research gaps, and needs.

(1) *Division of Chemical and Process Engineering.* Responsible for promoting the creation of knowledge relevant to the design, optimization, and operation of a wide range of processes in the chemical, petroleum/petrochemical, food, biochemical/pharmaceutical, mineral, and allied industries. Research efforts include the development of fundamental principles, design and control strategies, mathematical models, and experimental techniques which cut across a large number of industries and processes. Areas of support include catalysis, combustion, plasma chemistry, biochemical, electrochemical, macromolecular, and separation processes, particulate characterization and interaction, thermodynamic and transport properties, and renewable and nonrenewable materials processing.

(2) *Division of Civil and Environmental Engineering.* Deals with extending our understanding of the basic behavior of natural and man-made physical structures and systems from both the elemental and macroscopic viewpoints, and with the interaction of the built environment and man's activities with the natural environment. Areas of research include geotechnical engineering, structural mechanics, water resources, and environmental engineering. Under the President's Earthquake Hazards Reduction Act, the Division also supports research on phenomena involved in hazard produced by earthquakes, and the means by which earthquake and other natural hazards can be mitigated.

(3) *Division of Electrical, Computer, and Systems Engineering.* Seeks to stimulate exploration of fundamental engineering principles applicable to man-made electrical systems and devices. Research topics include studies of electronic materials, solid-state devices, very large scale integrated circuits, integrated optics, lasers and optoelectronics, sensors and imaging systems, plasmas and particle beams, computer engineering, machine intelligence, robotics and automation, information theory and communications, control systems methodologies and networks, and operations research.

(4) *Division of Mechanical Engineering and Applied Mechanics.* Seeks to develop a better understanding of the physical processes associated with power developed by various machines and engines, and to focus that understanding on key issues related to industrial productivity. Applied mechanics research deals with the continuum behavior of solids, fluids, multi-phase mixtures, and biological materials including the effects of heat transfer, phase changes and chemical reaction. Special attention is given to time dependent or unsteady phenomena. Mechanical engineering research deals with fundamental problems relating to the behavior and design of mechanical systems and industrial production. It supports research relating to the analysis and synthesis of machines and mechanical systems including tribology and dynamic behavior, and optimization of manufacturing processes.

e. *Assistant Director for Mathematical and Physical Sciences.* Appointed by the President, with the advice and consent of the Senate. Serves as an advisor to the Director in the development of long-range plans, annual programs, and research policy in the areas of mathematical and physical sciences, as established under statutory and National Science Board authority; and is responsible for developing and carrying out a program to accomplish the Foundation's research support mission in these areas. Four Divisions report to the Assistant Director for Mathematical and Physical Sciences. Each Division is headed by a Division Director and generally is subdivided on a disciplinary or functional basis into Sections and/or Programs. In addition to the specific areas of support discussed below, each Division supports appropriate conferences, symposia, and research workshops in the areas of science for which it has responsibility.

(1) *Division of Chemistry.* Responsible for the support of fundamental research in all areas of chemistry, to improve understanding and make possible new applications of chemistry beneficial to other sciences, engineering and technology. The broad subfields supported are inorganic and organic synthesis, chemical dynamics and thermodynamics, structural chemistry, quantum chemistry, and chemical analysis. In addition, a special program exists to assist department and individual investigators in acquiring advanced instrumentation critical to modern chemical inquiry.

(2) *Division of Materials Research.* Responsible for the support of research designed to extend and deepen our understanding of materials and to help discover ways to apply that understanding. Included is research in solid state physics and chemistry, metallurgy, polymers, ceramics, and other areas of science and engineering necessary to improve basic understanding of materials and their engineering properties. This also includes research on the preparation, characterization, and understanding of the properties of crystalline and amorphous materials.

(3) *Division of Mathematical and Computer Sciences.* Responsible for providing research support in mathematics and in the applications of mathematics to other sciences; and for research in computer science and engineering, advanced computer-based research techniques and the impact of the computer on organizations and the individual. The Division also provides support for regional meetings on topics at the forefront of mathematics research.

(4) *Division of Physics.* Responsible for providing support for research which concentrates on the most fundamental aspects of the properties and interactions of matter and energy. Support is provided through programs in atomic, molecular and plasma physics, nuclear physics, elementary particle physics, theoretical physics, intermediate energy physics, and gravitational physics. In addition, support is provided for university physics research facilities.

f. *Assistant Director for Scientific, Technological and International Affairs.* Responsible for programs designed to: collect and analyze data pertaining to the status of the national scientific and technological enterprise, study public policy issues related to science and technology, and support research that cuts across scientific disciplines and is directed toward strengthening the science and technology (S&T) research enterprise, both nationally and internationally. The Assistant Director serves as a principal advisor to the NSF Director in the development of long-range plans, programs, and policy for scientific, technological, and international affairs. Also has responsibility for providing policy analysis and assessments of scientific and technological issues of interest to decisionmakers in the Executive Office of the President, the National Science Board, and the Congress. The Directorate consists of five Divisions.

(1) *Division of Industrial Science and Technological Innovation.* Responsible for programs designed to accelerate industrial science and technological innovation by improving the linkage between universities and industries. This is done by supporting research centers and projects where industrial and university scientists and engineers collaborate in work on specific topics of mutual interest. In addition, opportunities are provided for small science- and technology-based firms to perform research projects leading to more rapid commercialization of new ideas, products, and processes. The Division also supports studies to improve the understanding of the processes by which technological innovation occurs and how those processes are affected by Federal actions.

(2) *Division of International Programs.* Administers the Foundation's programs for international cooperative scientific activities including joint research projects, seminars, and scientific visits. Facilitates U.S. scientists' access to unique facilities and sites abroad. Provides staff support to Joint Commissions and other U.S. international scientific efforts. Manages the use of Special Foreign Currency for programs in research and related activities. Coordinates other National Science Foundation programs with international aspects.

(3) *Division of Policy Research and Analysis.* Responsible for developing information for decisionmakers through analysis of existing and emerging national and international issues having substantial scientific and technological (S&T) components. Activities include: identifying issues that relate research and development and technological advances to national concerns, developing a knowledge base and monitoring capabilities for analyzing the S&T enterprise, and assessing alternative policy options and their potential costs, risks, and benefits. The Division provides information useful to policymakers within the Executive Office of the President, such as the Office of Science and Technology Policy and the Office of Management and Budget.

(4) *Division of Research Initiation and Improvement.* Responsible for providing support to a range of individuals and institutions. Activities include: providing equipments grants to institutions which award few or no Ph.D. degrees in science and engineering; providing support for women scientists and engineers to conduct research, teaching, and counselling activities as visiting professors at academic institutions; providing increased access to research opportunities for minority scientists and engineers; improving research environments at predominantly minority institutions through support of facility research and equipment acquisition; fostering development and utilization of scientific and technical resources that respond to issues addressed by state and local governments; and supporting research and related activities that improve public and professional understanding of issues of ethics and values in science and engineering.

(5) *Division of Science Resources Studies.* Responsible for development and maintenance of a data base dealing with the characteristics, magnitude, and utilization of the Nation's human and financial resources for S&T activities. Studies and analyses provide information on scientific and technical personnel, science education, scientific institutions, the funding of research and development, the nature and relationship of different types of R&D activities, the economic impact of research and development (R&D), and related topics.

Information for Guidance of the Public

A. *Inquiries and Transaction of Business.* All inquiries, submittals, or requests should be addressed to the National Science Foundation, Washington, D.C. 20550. A member of the public may call at the Foundation offices at 1800 G Street, NW., Washington, D.C. during normal business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday. The Statement of Organization, set forth above, indicates the offices with which members of the public should deal on particular matters. If an individual is uncertain as to which office to contact, that person may write the Foundation's mailing address or visit the National Science Foundation, Public Information Branch, Room 531, 1800 G Street, NW.

B. *General Method of Functioning, Procedures, Forms, Description of Programs.* The Foundation accomplishes its mission primarily through the award of grants and other agreements to universities, colleges, other nonprofit organizations, and to individuals as well as profit-making organizations. In instances where NSF has a specially assigned mission, or where services are being procured, contracts are used rather than grants. The Foundation's general course and method of operations is to provide financial support for basic and applied research and education in the sciences and engineering in response to requests, applications and proposals submitted by the person or organization desiring support. In general, grants are made on a merit basis after a review process involving several qualified outside commentators drawn from the scientific, educational, and industrial communities.

C. *Honorary Awards.* The National Science Foundation bestows annually the Alan T. Waterman Award on an outstanding young scientist for support of research and study. This award provides for up to $150,000 for 3 years of research and study at the institution of the awardee's choice. From time to time the National Science Board presents the Vannevar Bush Award to a person who, through public service activities in science and technology, has made an outstanding contribution toward the welfare of the Nation and mankind. The two awards together are designed to encourage individuals to seek to achieve the Nation's objectives in scientific research and education.

The National Science Foundation also provides support for the President's Committee on the National Medal of Science.

D. *Pertinent Publications.* The Foundation and the National Science Board publish a variety of booklets and other materials describing the programs and procedures of the Foundation and assessing the status of science in the Nation. All publications and forms may be obtained by writing to or vistiting the Foundation, unless otherwise indicated below. The following are key publications of the Foundation.

1. *Grants for Scientific and Engineering Research (NSF 81-79)*—Provides basic guidelines and instructions for investigators applying to the Foundation's programs of scientific and engineering research project support and other closely related programs, such as the support of foreign travel, conferences, symposia, and specialized research equipment and facilities. Complete details are given on application procedures. Additional information outlines the more detailed areas of how application data must be presented and other scientific areas for which NSF support funds may be granted. Also provides information on the evaluation process concerning the merit review of proposals for support. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

2. *NSF Grant Policy Manual*—A compendium of basic NSF grant administration policies and procedures generally applicable to most types of NSF grants and to most categories of recipients. Included are fiscal regulations regarding the use and expenditure reporting of NSF granted funds and other specific administrative procedures and policies. The NSF Grant Policy Manual (GPM) is available only by subscription, $9.00 domestic and $11.25 foreign, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. This loose-leaf manual, identified by GPO as NSF 77-47, revised October 1979, will be updated periodically through supplements which will be furnished by GPO to subscribers. GPM subscription rules and prices are subject to change by GPO.

3. *NSF Bulletin*—A monthly publication that summarizes program announcements and other NSF activities. Available from the Public Information Branch, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

4. *NSF Annual Report*—An annual presentation to the President for submission to the Congress highlighting the activities of the Foundation for the fiscal year. Accomplishments in research project support activities and science and engineering education are reflected in a series of brief synopses illustrating and explaining recent undertakings and results which have been brought about through NSF grants. Other data relating to the Foundation staff, financial reports, patents, research center contractors, advisory committees, panels and their membership are

contained in the appendix. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

5. *National Science Board Reports*—A National Science Board assessments of the status and health of science and its various disciplines, including such matters as national resources and human resources. These reports are rendered annually to the President for submission to the Congress. The last three such reports that have been submitted or are under preparation are:

Only One Science (Twelfth NSB Report, 1980)

Science Indicators—1980 (Thirteenth NSB Report, 1981)

University—Industry Research Relationships: Myths, Realities and Potentials (Fourteenth NSB Report, 1982)

6. *Publications of the National Science Foundation*—Provides a listing of issued NSF publications available to the public, with prices where they apply.

7. *Guide to Programs*—Contains summary information about assistance support programs of the National Science Foundation. The Guide is a source of general information for individuals interested in participating in these programs. Program listings describe the principal characteristics and basic purpose of each activity, as well as eligibility requirements, closing dates (where applicable), and the address from which more detailed information, brochures, or application forms may be obtained. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

8. *Individual Program Announcements*—Detailed program publications are issued by individual program areas of the Foundation, announcing and describing award programs and containing critical dates and application procedures for competitions.

9. *Important Notices*—The primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. These notices convey important announcements of NSF policies and procedures or other subjects determined to be of interest to the academic community and to other selected audiences.

10. *NSF Organization and Functions Manual*—The approved organization structure of the Foundation, including the functions and responsibilities of each major component, described in chart and narrative form.

11. *Internal Directives*—The Foundation maintains a system of internal issuances for communication within the Agency on matters of policy, procedures, and general information. The internal directives are issued to establish organizations, define missions, set objectives, assign responsibilities, delegate or limit authorities, establish program guidelines, and delineate basic requirements affecting activities of the Foundation.

a. *Staff Memoranda*—Issuances reserved for use by the Director and Deputy Director, for communication with the staff on subjects of their choice.

b. *Circulars*—A series of issuances to communicate Agency policies, regulations, and procedures of a continuing nature. (NSF is in the process of coverting all policy contained in Circulars, Staff Memoranda, and Bulletins into a series of Manuals.)

c. *Manuals*—Developed to implement detailed information on operating procedures, requirements, and criteria. Manuals also contain NSF policy.

d. *Bulletins*—Issuances to communicate urgent information concerning changes in policy or procedure prior to their incorporation into a Circular or Manual, and to communicate information that is pertinent generally for a period of less than 2 years.

12. *Mosaic*—An interdisciplinary magazine of basic and applied research. Published six times a year. Edited for nonspecialists in the sciences as a way for the Foundation to report on the scientific research it supports. Available from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Subscription is $11.00 per year in the United States and possessions. A single copy may be purchased for $2.75.

13. *Antarctic Journal of the United States*—A magazine, published quarterly, available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

14. *Arctic Bulletin*—A quarterly publication, available from the Division of Polar Programs, National Science Foundation, 1800 G Street, N W., Washington, D.C. 20550.

E. *Availability of Information*. Persons desiring to obtain information, including documents, may submit a request by telephone or in writing to the Public Information Branch or to other Foundation units. If not satisfied with the response, they may submit a formal request under terms of the NSF Freedom of Information Act regulations, 45 CFR Part 612, or, if applicable, the NSF Privacy Act regulations, 45 CFR Part 613. All documents will be made available for inspection or copying, except for those which fall within the exemptions specified in the law and the withholding of which is deemed absolutely necessary.

Sources of Information

Grants. Individuals or organizations planning to submit grant proposals should refer to the *NSF Guide to Programs* and to appropriate program brochures and announcements which may be obtained by writing the Forms and Publications Unit, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550 or calling the Foundation at 202/357-7861.

Contracts. The Foundation publicizes contracting and subcontracting opportunities in the *Commerce Business Daily* and other appropriate publications. Organizations seeking to undertake contract work for the Foundation may contact the Division of Grants and Contracts, 202/357-7842, Room 640, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Small Business. The NSF Office of Small Business Research and Development provides information on opportunities for NSF support to small businesses with strong research capabilities in science and technology. Interested organizations may contact the Office at 202/357-7464, Room 511-A, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Engineering Information Resources. Information concerning engineering resources may be obtained through Engineering Information Resources, Room 1110, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

National Science Board Documents. Schedules of Board meetings, agendas, and summary minutes of the open meetings of the Board may be obtained from the NSB Office, 202/357-7510, Room 545, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Committee Minutes. Summary minutes of meetings of the Foundation's advisory groups may be obtained from the Division of Personnel and Management, Management Analysis Section, 202/357-9520, Room 217-A, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Freedom of Information Act (FOIA) Inquiries. Requests from the public for Agency records should be clearly identified "FOIA REQUEST" and addressed to the Public Information Branch, Room 531, National Science

Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Privacy Act Inquiries. Persons desiring to obtain personal records that are legally available to the individual under the Privacy Act of 1974, should submit a request in accordance with the NSF Privacy Act Regulations, 45 CFR Part 613.

Reading Room. Persons who wish to inspect or copy records should contact the NSF Public Information Branch, 202/357-9498, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Employment. Inquiries may be directed to the National Science Foundation, Division of Personnel and Management, Room 212, 1800 G Street, NW., Washington, D.C. 20550.

Dated: February 8, 1983.

Thomas Ubois,

Assistant Director for Administration.

[FR Doc. 83-3892 Filed 2-11-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Catawba Nuclear Station Units 1 and 2; Meeting

The ACRS Subcommittee on Catawba Nuclear Station Units 1 and 2 will hold a meeting on March 4 and 5, 1983, at the Holiday Inn, 212 Woodlawn Road (I-77 South Exit 6A), Charlotte, NC. The Subcommittee will review the application of the Duke Power Company for an Operating License.

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 Cognizant Designated Federal Employee so 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 those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable these closed sessions 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, March 4, 1983—2:00 p.m. until the conclusion of business; Saturday, March 5, 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, 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 Duke Power Company, 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 prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major or Staff Engineer, Mr. Charles McClain (telephone 202/634-1414) 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 some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 9, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-3939 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-6931 (Renewal of Byproducts Material License No. 19-08330-03) (ASLBP 82-469-01-SP)]

February 9, 1983.

Armed Forces Radiobiology Research Institute, (Cobalt-60 Storage Facility); Order

A special prehearing conference will be held on March 4, 1983 to address the matters raised in CNRS's "Supplement to Petition for Leave to Intervene" and to discuss the schedule for discovery and litigation in the event a hearing is required in this proceeding. The conference will begin at 9:00 a.m. and will be held in the Nuclear Regulatory Commission's Fifth Floor Hearing Room, 4350 East-West Highway, Bethesda, Maryland.

It is so ordered.

For the Atomic Safety and Licensing Board.

Helen F. Hoyt,

Chairperson, Administrative Judge.

[FR Doc. 83-3931 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications to require an audit of the Facility Emergency Plan, and the Facility Security Plan at least once per 12 months, in conformance with the Regulations 10 CFR 50.54(t) and 10 CFR 73.40(d), respectively.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 6, 1982, (2) Amendment No. 63 to License No. DPR-66, and (3) the Commission's related letter dated February 7, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of February, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-3932 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al., Crystal River Unit No. 3 Nuclear Generating Plant; Exemption

I

The Florida Power Corporation (the licensee) and eleven other co-owners hold Facility Operating License No. DPR-72, which authorizes the licensee to operate the Crystal River Unit No. 3 Nuclear Generating Plant (the facility). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect. The facility is a pressurized water reactor (PWR) located at the licensee's site in Citrus County, Florida.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised Section 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections, III.G, is the subject of this Exemption. Subsection III.G specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2).

If the requirements for separation and barriers could not be met in an area, alternative safe shutdown capability, independent of that area and equipment in that area, is required (III.G.3).

By letter dated December 29, 1982, the licensee requested an exemption from the requirements of Section III.G.3.b to the extent that it requires the installation of a fixed fire suppression system in the control room. In support of this request, the licensee notes the existing fire protection features, and the fact that the control room is continuously manned.

III

We have reviewed the licensee's exemption request. The control room is enclosed by walls, floor and ceiling of reinforced concrete construction, suffficient to achieve a three-hour fire rating. Openings into the room are protected by fire doors, dampers and fire rated penetration seals. Safe shutdown equipment in the room consists of the main control consoles and cabinets, including redundant control cables, indicating instruments and relays.

Existing fire protection consists of smoke and heat detection systems located throughout the room and inside the control cabinets. This protection is supplemented by portable fire extinguishers and manual hose stations. The fire loading in the control room is low. The room is continuously manned. In the event the control room becomes uninhabitable due to smoke or heat, an alternate capability to achieve safe shutdown, outside the control room, exists.

The intent of Section III.G is to require an acceptable level of fire safety to assure the maintenance of safe shutdown capability. Because the control room is continuously manned and fire extinguishing equipment is located in the control room, there is reasonable assurance that a fire would be promptly extinguished. In our judgement, a fixed suppression system in the control room should be avoided because of the potentially adverse impact of an inadvertent initiation. Therefore, the installation of a fixed fire suppression system will not significantly increase the level of fire protection in the control room and the exemption requested by the licensee should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or common defense and security and is otherwise in the public interest and hereby grants an exemption from the requirements of Section III.G.3.b of Appendix R to 10 CFR Part 50 to the extent that it requires the installation of a fixed fire suppression system in the control room at Crystal River Unit No. 3.

The NRC staff has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 7th day of February 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-3933 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-58, and Amendment No. 50 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments change the Technical Specification to allow a roving fire watch patrol in areas affected when automatic carbon dioxide fire suppression systems are temporarily isolated.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 2, 1982, as supplemented by letters dated November 23, 1982 and December 30, 1982, (2) Amendment Nos. 68 and 50 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety

Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of February, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-3934 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co., (Maine Yankee Atomic Power Plant); Exemption

I

The Maine Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR-36 which authorizes operation of the Maine Yankee Atomic Power Plant. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises one pressurized water reactor at the licensee's site located in Lincoln County, Maine.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections, III.L.1.(d), is the subject of this exemption request.

Section III.L.1. details the requirements for alternative and dedicated shutdown capability. Specifically, Section III.L.1.(d) require alternative and dedicated shutdown capability shall be able to achieve cold shutdown conditions within 72 hours.

III

By letter dated December 22, 1982 the licensee requested an exemption from the requirement to achieve cold shutdown in 72 hours using alternate methods. In support of this request the licensee notes that the plant will be "safely" shutdown prior to 72 hours and proceeding in an orderly manner to cold shutdown. Similar plants have required approximately 130 hours to reach cold shutdown. The licensee provided additional information based on the criteria of Section III.L to the effect that the Alternative shutdown system for these areas may not be capable of achieving cold shutdown of the reactor coolant system within 72 hours.

The licensee proposes a method of achieving cold shutdown utilizing a water solid mode of steam generator operation for the situation wherein the residual heat removal system is lost due to the fire. This method will require about 130 hours to reach a cold shutdown condition. Adequate water supply is available for the extended shutdown. Additionally, the alternative shutdown systems can accomplish cold shutdown using only onsite power sources. With the residual heat removal system operable the 72 hour requirement can be met. Therefore since the alternative shutdown system uses only onsite power, and shuts down the plant safely, the longer time to reach cold shutdown does not produce a decrease in plant safety. Therefore, the exemption requested should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants an exemption from the requirements of Section III.L.1.(d) of Appendix R to the extent that it requires alternative and dedicated shutdown capability to be able to achieve cold shutdown conditions within 72 hours at Maine Yankee.

The NRC staff has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

A copy of the Safety Evaluation dated February 3, 1983, related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the local public document room located at the Wiscasset Public Library, High Street, Wiscasset, Maine. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

This Exemption is effective upon issuance.

Dated at Bethesda, Md., this 3d day of February.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-3935 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc., for Susquehanna Steam Electric Station, Unit 1 (the facility) located in Luzerne County, Pennsylvania. This amendment grants changes to Technical Specifications to correct typographical errors noted in the document. The changes are administrative in nature. This amendment is effective as of a date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for the amendment dated October 22, 1982; (2) Amendment No. 8 to License NPF-14 dated February 7, 1983; and (3) the Commission's evaluation dated February 7, 1983. All of these items are available for public inspection at the

Commission's Public Document Room 1717 H Street NW., Washington, D.C. 20555, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of items (1), (2), and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 7th day of February 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-3936 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.150, Revision 1, "Ultrasonic Testing of Reactor Vessel Welds During Preservice and Inservice Examinations," has been revised to include an alternative method that the NRC staff has evaluated and found acceptable. The alternative method was recommended by the Ad Hoc Committee of the Electric Utility Industry after their review of the original version of the guide. Revision 1 is being issued as an active guide without prior issuance as a draft guide for comment.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 7th day of February 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-3938 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station, Unit No. 1; Issuance of Amendment to Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. This amendment modifies the Technical Specifications to provide for an independent review of the security plan and implementing procedures at least once per 12 months in accordance with 10 CFR 73.40(d). The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) South Carolina Electric & Gas Company letter, dated November 17, 1982, (2) Amendment No. 9 to Facility Operating License No. NPF-12 with Appendix A Technical Specifications page change, and (3) the Commission's related safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 9 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of February 1983.

For the Nuclear Regulatory Commission.

Carl R. Stahle,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-3937 Filed 2-11-83; 8:45 am]

BILLING CODE 7590-1-M

Regional Workshop Regarding Supplement No. 1 to NUREG-0737; Requirements for Emergency Response Capability

Correction

In FR Doc. 83-3324, appearing on page 5829, in the issue of Tuesday, February 8, 1983, in the third column, in the table, in the "Workshop date" column, in the first line "Feb. 2, 1983" should read "Feb. 22, 1983".

BILLING CODE 1505-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2072; Amendment No. 4]

Arkansas; Declaration of Disaster Loan Area

Declaration #2072 (See 47 FR 57185), Amendment #1 (See 48 FR 565), Amendment #2 (See 48 FR 2252), and Amendment #3 (See 48 FR 3442) are amended by adding the adjacent Counties of Clark, Franklin, Jefferson, Johnson, Logan, Lonoke, Marion, Nevada, Newton, Prairie, Searcy, Sevier, and Union in the State of Arkansas. All other information remains the same, i.e., the termination date for filing applications for physical damage is

close of business on February 11, 1983, and for economic injury until the close of business on September 13, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 10, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-3947 Filed 2-11-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 847]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the Federal Register.

Individual vessel applications for fishing in 1983 have been received from the Governments of the German Democratic Republic, Portugal and Japan.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F/CM7), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7432).

Dated: February 4, 1983.

Brian S. Hallman,

Acting Director, Office of Fisheries Affairs.

Fishery codes and designation of Regional Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific
PBS	Pacific Billfish and Sharks.	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Japan:			
Suruga Maru, Cargo/Transport Vessel	JA-83-2014	BSA, GOA, SNA, SMT, NWA	3
Eiwa Maru No. 28, Pot Fishing Vessel	JA-83-0820	SNA	1,2
Chosei Maru No. 78, Pot Fishing Vessel	JA-83-0838	SNA	1,2
Kohoku Maru No. 18, Pot Fishing Vessel	JA-83-0839	SNA	1,2
Hoyo Maru No. 40, Pot Fishing Vessel	JA-83-0840	SNA	1,2
Sankichi Maru No. 23, Pot Fishing Vessel	JA-83-0848	SNA	1,2
Takashiro Maru No. 31, Pot Fishing Vessel	JA-83-0856	SNA	1,2
Hoyo Maru No. 63, Pot Fishing Vessel	JA-83-0862	SNA	1,2
Ryoun Maru No. 2, Pot Fishing Vessel	JA-83-0877	SNA	1,2
Kaiyo Maru No. 8, Pot Fishing Vessel	JA-83-1137	SNA	1,2
Yoshiho, Cargo/Transport Vessel	JA-83-0031	BSA, GOA SNA, SMT	3
Ebisu Maru No. 5, Danish Seiner	JA-83-1183	BSA	1
Keifu Maru, Cargo/Transport Vessel	JA-83-0572	BSA, GOA NWA, SMT SNA	3
Shoutoku Maru, Cargo/Transport	JA-83-0028	GOA, BAS SNA, NWA	3
Takuyo Maru, Cargo/Transport	JA-83-0029	GOA, BAS SNA, NWA	3
Miyoshima Maru, Cargo/Transport Vessel	JA-83-0025	BSA, GOA NWA, SNA SMT	3
Aoyagi Maru, Cargo/Transport Vessel	JA-83-0026	BSA, GOA NWA, SNA SMT	3
Rishiri, Cargo/Transport Vessel	JA-83-0027	BSA, CRB GOA, NWA SMT, SNA	3
Kashiwagi Maru, Cargo/Transport Vessel	JA-83-0019	NWA, BSA GOA,SMT	3
Daikoh Maru, Cargo/Transport Vessel	JA-83-0021	NWA, BAS GOA, SMT	3
Stevens, Cargo/Transport Vessel	JA-83-0022	NWA, BAS GOA,SMT	3
Skylark, Cargo/Transport Vessel	JA-83-0023	NWA, BSA GOA, SMT	3
Starling, Cargo/Transport Vessel	JA-83-0024	NWA, BSA GOA, SMT	3
Joint Ventures:			
Tokachi Maru, Large Stern Trawler	JA-83-0360	NWA	2
Zoz Maru, Large Stern Trawler	JA-83-0361	NWA	2
Nippon Suisan Kaisha, Ltd. and Charles B. Stinson, President, Stinson Canning Co., Prospect Harbor, Maine, U.S.A. 04869, have applied to engage in a joint venture fishery aimed at producing 1,000 mt Butterfish to be sold in Japan, 300 mt Loligo in Europe, and 300 mt Mackerel in West Africa during the months of Janaury 1983 and May 1983.			
Portugal:			
Brites, Stern Trawler	PO-83-0018	NWA	2
Gafanha da Nazare of Portugal and Lund's Fisheries, Inc., 997 Ocean Drive, Cape May, New Jersey, 08204, have applied to engage in a joint venture aimed at producing 10,000 mt of Illex Squid during the months of May 1, 1983 and October 31, 1983.			
Coimbra, Stern Trawler	PO-83-0009	NWA	2
Emprese de Pescas Sao Jacinto, Lda. of Portugal and Lund's Fishries Inc., 997 Ocean Drive, Cape May, New Jersey, 08204, have applied to engage in a joint venture aimed at producing 10,000 mt of Illex Squid during the months of May 1, 1983 and October 31, 1983.			
Inacio Cunha, Stern Trawler	PO-83-003	NWA	2
Testa E Cunhas, Lda. of Portugal and Lund's Fishries Inc., 997 Ocean Drive, Cape May, New Jersey, 08204, have applied to engage in a joint venture aimed at producing 10,000 mt of Illex Squid during the months of May 1, 1983 and October 31, 1983.			
German Democratic Republic:			
Stubnitz, Stern Trawler/Factory Ship	GC-83-0047	NWA	2
Rudolf Leonhard, Stern Trawler/Factory Ship	GC-83-0048	NWA	1,2
F.C. Weiskopf, Stern Trawler/Factory Ship	GC-83-0030	NWA	1,2
VEB Fischfang Sassnitz of the German Democratic Republic and Joint Trawlers (North America) Ltd., P.O. Box 1209, Gloucester, Massachusetts, 01930, have applied to engage in a joint venture aimed at producing 10,000 mt of Atlantic Mackerel during the months of January 1, 1983 to March 31, 1983 and 10,000 mt Atlantic Mackerel during the months of April 1, 1983 to March 31, 1984. They will also engage in producing 2,500 mt Loligo Squid during the months of January 1, 1983 to March 31, 1983 and 2,500 mt Loligo Squid during the months of April 1, 1983 to March 31, 1984.			

[FR Doc. 83-3802 Filed 2-11-83; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Control Tower; Commissioning

Notice is hereby given that on May 25, 1983, through September 14, 1983, the Airport Traffic Control Tower at the Martha's Vineyard Airport, Martha's Vineyard, Massachusetts, will be commissioned as a part-time Federal Aviation Administration (FAA) facility. Tower hours of operation will be established in advance by a Notice to Airmen, and thereafter be published in the Airman's Information Manual. The designated facility identification for the FAA airport control tower will be: VINEYARD TOWER.

This information will be reflected in the FAA organization statement.

Communications to the tower should be directed to: Federal Aviation Administration, Airport Traffic Control Tower, P.O. Box 369, Vineyard Haven, Massachusetts 02568.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 31, 1983.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 83-3701 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Port Huron, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed construction of a new parallel bridge and reconstruction of the vehicular plaza, toll collection, and U.S. Customs inspection facilities in the vicinity of the existing Blue Water Bridge and plaza, Port Huron, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Fort, District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901 Telephone (517) 377-1879, (FTS 374-1879) or Mr. Jack Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone 1-800-292-9576 (toll free in Michigan), or (517) 373-2166.

SUPPLEMENTARY INFORMATION: The FHWA, incorporation with the Michigan Department of Transportation (MDOT) will prepare an environmental impact statement (EIS) for the proposed construction of future parallel bridge and reconstruction of the vehicular plaza, toll collection and U.S. Customs Inspection facilities located in the vicinity of the existing Blue Water Bridge and plaza, Port Huron, Michigan. These improvements are considered necessary to correct existing and future capacity problems, improve service and eliminate potential safety hazards and congestion associated with the present facility. The proposed action is planned to be constructed in two stages; the first stage to include the reconstruction of the vehicular plaza, toll, and U.S. Customs facilities to satisfy existing and future needs for improved service and the second stage to include the construction of a future parallel bridge when the capacity of the existing structure reaches between 1800 and 2400 vehicles per hour.

Alternatives under consideration include (1) doing nothing; (2) low capitol improvements; (3) using alternate travel modes; and (4) constructing a future parallel bridge and reconstruction of the vehicular plaza, toll and U.S. Custom facilities. Four sub-alternate configurations for the plaza/toll/ Customs facilities are being considered. All four of these sub-alternates will be similar and contain primary inspection; secondary truck, automobile, and bus inspection, truck weight scales and toll collection facilities. One of these four alternates however, has the secondary truck inspection located approximately two miles west of the primary plaza and other facilities.

The preferred location for the future parallel bridge is immediately south and adjacent to the existing Blue Water Bridge and is based on extensive studies conducted in cooperation with responsible Canadian Government officials and agencies. Those studies indicate a northerly parallel bridge location which will result in more significant displacements of American and Canadian homes, businesses and industries and affect a greater number of local street closures and recreational facilities. The results of those studies will be summarized in the EIS.

The studies, early coordination and consultation conducted to date between the various Canadian and U.S. Federal and State agencies have identified the more significant issues associated with the proposed action. A scoping document which addresses those issues has been preprared and is available on request to all interested agencies, organizations, and individuals. Copies may be obtained by contacting the above individuals at the address indicated.

The FHWA and Michigan Department of Transportation will be the joint-lead agencies for preparation and processing of the EIS. Further coordination and consultation with appropriate Canadian governmental agencies will be conducted through mutually acceptable channels. Official communication concerning the environmental studies or documentation will be coordinated with the U.S. Department of State through the Office of the Secretary of Transportation.

Those U.S. agencies which are expected to have a jurisdictional interest in the project are the U.S. Customs Services and U.S. Immigration and Naturalization Service, General Services Administration, Department of State, Corps of Engineers and U.S. Coast Guard and are herein designated cooperating agencies. Other U.S. agencies, which have jurisdiction by law and may not have been identified to date should notify FHWA prior to February 28, 1983 for designation as a cooperating agency.

The preparation and processing of this EIS is being expedited to achieve the submission of a final document prior to September 1983. Accordingly, FHWA requests all cooperating agencies give high priority to achieving the necessary coordination and consultation in a timely manner. An advance copy of the scoping document is being furnished to those cooperating agencies identified above.

The draft EIS is currently scheduled for completion by February 1983 and will be made available for public and agency review and comment. Due to the extensive agency coordination and consultation already undertaken for the study to date, no formal scoping meeting is planned.

(Catalog of Federal Domestic Assistance Program Number 20-105, Highway Research, Planning and Construction. The provisions of OMB circular Number A-95 regarding State and local clearing-house review of Federal and federally assisted programs and projects apply to this program)

Issued on January 28, 1983.

Thomas Fort,

District Engineer, Lansing, Michigan.

[FR Doc. 83-3797 Filed 2-11-83; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Safety Defect Investigation of General Motors X-Body Vehicles' Rear Brake Systems; Public Proceeding Postposed

The National Highway Traffic Safety Administration has postponed the public proceeding announced in the **Federal Register** of January 20, 1983 (48 FR 2623) regarding its initial determination of a safety-related defect in General Motors Corporation X-body vehicles alleged to be susceptible to premature rear brake lockup. The determination covered certain 1980 model year Chevrolet Citation, Pontiac Phoenix, Oldsmobile Omega and Buick Skylark cars equipped with asbestos brake shoe linings in their rear brakes. The agency also has conducted an inquiry into the adequacy of the remedy offered by General Motors in a 1981 recall of some of the vehicles covered by the current initial determination. The meeting was to be held at 10 a.m. on February 14, 1983, in Room 2230 of the Department of Transportation Building, 400 Seventh Street, SW., Washington, D.C. 20590. General Motors has notified the agency that it will recall the vehicles covered by the initial determination and by the inquiry into the adequacy of the earlier remedy. Accordingly pending the agency's review of General Motors' proposed action, the scheduled public proceeding is postponed until further notice.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 9, 1983.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 83-3961 Filed 2-10-83; 10:51 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-38]

Tariff Classification of Certain Imported Printing Mechanisms; Correction

AGENCY: Customs Service, Treasury.

ACTION: Notice of correction.

SUMMARY: This document give notice that a previous Customs finding of an established and uniform practice of classifying certain printing mechanisms under the provision for office machines, not specially provided for, in item 676.30, Tariff Schedules of the United States (TSUS), was made in error, and that a practice did not, in fact, exist at the time of the finding. Customs now finds that the subject mechanisms are correctly classified under the provision for other parts of office machines, not specially provided for, in item 676.52, TSUS, at a higher rate of duty.

EFFECTIVE DATE: March 16, 1983.

FOR FURTHER INFORMATION CONTACT: James C. Hill, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

In a ruling letter addressed to counsel for the importer of certain printing mechanisms, dated April 26, 1976 (File No. 040922), Customs expressed the opinion that mechanisms to be placed in the same housings with cash registers, calculators, or other data source collectors such as printers, were classifiable under the provision for other parts of office machines, not specially provided for, in item 676.52, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

Subsequently, counsel for the importer submitted summaries of his client's importing experience purporting to show that there was an established and uniform Customs practice of classifying certain models of the printing mechanisms under the provision for office machines, not specially provided for, in item 676.30, TSUS. The column 1 rate of duty for merchandise entered under item 676.30, TSUS, has been, and presently is, less than the column 1 rate of duty for merchandise entered under item 676.52, TSUS. Customs reviewed the information submitted on behalf of the importer and issued a finding on August 18, 1976 (File No. 040922), that there was an established and uniform tariff classification practice with respect to 12 specific models of the printing mechanisms, and authorized pending entries of these articles to be liquidated at the lower rate of duty under item 676.30, TSUS.

However, later review of this matter showed that the import records concerning these articles were not complete, that some of these and other similar printing mechanisms has been entered at the higher rate of duty under item 676.52, TSUS, at several ports of entry, and that the liquidation of entries for this merchandise has been suspended at the time of Customs August 18, 1976 finding pending clarification of the appropriate tariff classification of the printing mechanisms. Consequently, Customs finding was based on insufficient factual information.

Correction

In view of the above, a notice was published in the **Federal Register** on May 26, 1982 (47 FR 23065), advising the public that Customs finding of August 18, 1976 was erroneous, and that the printing mechanisms were correctly classified under item 676.52, TSUS, at the applicable rate of duty. Pursuant to section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)), and section 177.10(c), Customs Regulations (19 CFR 177.10(c)), Customs requested comments on the proposed correction. Comments were requested on or before July 26, 1982. However, none were received.

Action

After further review of this matter, Customs proposal to correct its previous finding of an established and uniform practice of classifying the subject printing mechanisms under item 676.30, TSUS, and to classify them under item 676.52, TSUS, is adopted. Accordingly, all merchandise entered, or withdrawn from warehouse for consumption, on or after the effective date of this notice, will be classified under item 676.52, TSUS, at the applicable rate of duty.

Drafting Information

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

Dated: February 7, 1983.

William von Raab,

Commissioner of Customs.

[FR Doc. 83-3907 Filed 2-11-83; 8:45 am]

BILLING CODE 4820-02-M

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 18]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code (formerly 6 U.S.C. Sections 6 to 13). An underwriting

limitation of $2,776,000 has been established for the company.

Name of Company: American Independent Reinsurance Company

Business Address: P.O. Box 3802, 3001 Summer Street, Stanford, Connecticut 06905

State of Incorporation: New York.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28871 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 4, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-3872 Filed 2-11-83; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 31

Monday, February 14, 1983

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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Federal Trade Commission	5

1

COMMODITY CREDIT CORPORATION

TIME AND DATE: 9 a.m., February 16, 1983.

PLACE: Room 5066, South Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Minutes of Open CCC Board meeting on October 20, 1982.
2. Minutes of Closed CCC Board meeting on October 20, 1982.
3. Information re: CCC Monthly Sales List for February 1983.
4. Memorandum re: Payment-In-Kind Impact Analysis.
5. Memorandum re: Guaranty Fuels, North Carolina, Inc.—Curent Status.
6. Memorandum re: CCC FY 1984 President's Budget.
7. Memorandum re: Report on Dairy Restraining Order.
8. Memorandum re: Section 416 Dairy Donations Export.
9. Memorandum re: Egyptian Flour Sale.

CONTACT PERSON FOR MORE INFORMATION. Edward D. Hews, Secretary, Commodity Credit Corporation, Room 3090-South Building, Post Office Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013; (202) 447-7583.

[S-209-83 Filed 2-10-83; 10:18 am]

BILLING CODE 3410-05-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, February 17, 1983, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Advisory Opinions:

AO 1982-58 Edwin W. Miller, P.O.B. Publishing Company

AO 1983-4 Ned H. Guthrie, American Federation of Musicians

Regulations:

Nonpartisan Communications by Corporations or Labor Organizations—11 CFR 114.3 and 114.4—Explanation and Justification and Transmittal to Congress

Disclaimer Notices - 11 CFR 110-11 Explanation and Justification and Transmittal to Congress

Routine Administrative Matters

* * * * *

DATE AND TIME: Thursday, February 17, 1983 following the conclusion of the open meeting.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Certification. Compliance.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Information Officer, telephone 202-523-4065.

[S-213-83 Filed 2-10-83; 4:00 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Friday, February 18, 1983.

PLACE: Board Room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED:

Limited Trust Powers Application—Security Federal Savings and Loan Association of Lake County, East Chicago, Indiana

[No. 12, February 10, 1983]

[S-211-83 Filed 2-10-83; 11:49 am]

BILLING CODE 6720-01-M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 5645, Monday, February 7, 1983.

PLACE: Board Room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Thursday, February 10, 1983, at 10:30 a.m.:

Net Worth Certificates: Regulatory Net Worth

[No. 11, February 10, 1983]

[S-212-83 Filed 210-83; 11:55 am]

BILLING CODE 6720-01-M

5

FEDERAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Friday, February 11, 1983.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED:

Consideration of cross-examination by nonattorney experts in Commission adjudications

CONTACT PERSON FOR MORE IMFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-210-83 Filed 2-10-83; 10:45 am]

BILLING CODE 6750-01-M

federal register

Monday
February 14, 1983

Part II

Department of Transportation

Coast Guard

Offshore Supply Vessel Regulations; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

(46 CFR Parts 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135 and 136)

[CGD 82-004]

Offshore Supply Vessel Regulations

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rule making.

SUMMARY: The Coast Guard is preparing proposed regulations for new offshore supply vessels. This advance notice provides a preliminary draft of the proposal for public comment. The regulations would implement the provisions of Pub. L. 96-378 regarding inspection standards for new offshore supply vessels. The regulations are intended to take into consideration the particular characteristics of these vessels, their method of operations, and the service in which they are engaged.

DATES: Comments on this advance notice must be received on or before: June 14, 1983.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/44) (CGD 82-004), U.S. Coast Guard, Washington, D.C. 20593. The comments and materials referenced in this notice will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays at the Marine Safety Council (G-CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR Kevin V. Feeney, Office of Merchant Marine Safety (G-MTH-5/13), Room 1308, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-2187.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this advance notice of proposed rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice as CGD 82-004 and the specific sections of the proposal to which the comments apply, and give reasons for the comments. If acknowledgment of receipt of a comment is desired, a stamped self-addressed postcard or envelope should be enclose. No public hearing is planned, but one will be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

This advance notice contains a complete set of regulations that would be applied to new offshore supply vessels in lieu of other existing regulations. The regulations, as drafted, contain many changes and relaxations to the standards presently applied to existing offshore supply vessels.

Before issuing a Notice of Proposed Rule Making, an analysis of the economic effect of the proposal is necessary along with a preliminary analysis of its technical content. The purpose of this Advance Notice is to solicit comments on both the technical merits of the proposal and its probable economic effect. Comments from the maritime community and any other interested parties are requested. All comments received will be considered in preparing the Notice of Proposed Rule Making.

Drafting Information

The principal drafter of this document was LCDR K. V. Feeney, Office of Merchant Marine Safety. Mr. W. R. Register, Office of the Chief Counsel, provided assistance.

Discussion of the Proposed Regulations

a. *Background.*

(1) There are presently over 3000 vessels operating in support of offshore oil and energy exploration and production. The offshore marine service industry consists of a diversified group of firms that provide a wide range of exploration, construction, distribution-supply, and safety services to the offshore oil and mineral extractive industries. Most of the industry is centered in the Gulf of Mexico but operates worldwide. The vessels that this industry operates are predominantly diesel propelled, of less than 500 gross tons, and engage in short voyages. Prior to the enactment of Pub. L. 96-378, these vessels were—

(a) Inspected by the Coast Guard under 46 CFR Subchapter I (Cargo and Miscellaneous Vessels) if over 15 gross tons and carrying freight for hire;

(b) Inspected by the Coast Guard under 46 CFR Subchapter T (Small Passenger Vessels) if less than 100 gross tons and carrying passengers for hire; or

(c) Not inspected by the Coast Guard under a "bareboat charter" arrangement.

(2) The Subchapter I vessels were known as supply boats. Typically, these vessels were of steel construction, carried large amounts of deck cargo, and carried up to 16 persons in addition to the crew on domestic voyages as permitted by 46 USC 882. The Subchapter T vessels were known as crew boats. Typically, these vessels were of aluminum or steel construction, relatively swift, carried limited, but significant, amounts of deck cargo, and carried more than 16 passengers.

(3) Pub. L. 96-378 (46 U.S.C. 404-1) was enacted on October 6, 1980. Its provisions make significant changes to the way in which offshore supply vessels are to be inspected by the Coast Guard. Among the changes are the following:

(a) A controversial feature of the offshore support industry for many years has been its use of contractual arrangements involving bareboat charters coupled with operating agreements in order to operate without a Coast Guard certificate of inspection. Public Law 96-378 eliminates this controversy by requiring all offshore supply vessels to be inspected.

(b) The law defines an offshore supply vessel (OSV) as being a vessel that—

(i) Regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources;

(ii) Is propelled by machinery other than steam;

(iii) Is not a small passenger vessel regulated under 46 U.S.C. 390-390(g); and

(iv) Is between 15 and 500 gross tons.

(c) Existing OSV's are in turn defined as those that were operating as such on or before January 1, 1979, or that, if not in service of any kind on or before that date, were contracted for on or before that date and entered into service before October 6, 1980. New OSV's are defined as all those that are not existing OSV's.

(d) Each new OSV is subject to inspection as follows:

(i) A vessel of above fifteen and less than one hundred gross tons is subject to Coast Guard inspection to the same extent as a freight carrying vessel of the type defined in 46 U.S.C. 390(e).

(ii) A vessel of one hundred gross tons and less than five hundred gross tons is subject to Coast Guard inspection under applicable provisions of Title 46, U.S. Code (principally 46 U.S.C. 391 and 392) to the same extent as a commercial vessel propelled in whole or in part by steam.

(iii) Regulations established for these vessels are required to take into account their particular characteristics, methods of operation, and the service in which they are engaged.

(e) Each existing OSV continues to be subject to inspection under 46 U.S.C. 404 or 46 U.S.C. 390-390(g) as applicable. On October 20, 1980, the Coast Guard published rules (45 FR 69242) requiring that existing uncertificated OSV's be registered with an Officer in Charge,

Marine Inspection on or before January 6, 1981, and that they be certificated not later than two years from the date of registration. The law states that these vessels shall not be subject to rules, regulations, or standards for major structural or major equipment requirements unless compliance is necessary in order to remove an especially hazardous condition. Navigation and Vessel Inspection Circular No. 8–81 provides guidance on the minimum safety standards applicable to these vessels.

(f) The regulations proposed in this notice would apply only to new vessels built after final regulations are published and take effect. New vessels built after October 6, 1980, but before final regulations take effect would have to meet existing requirements in 46 CFR Subchapter I or T, as applicable. However, these existing regulations have been modified for these vessels by various Coast Guard policy statements. Many of these policy statements have also been proposed in this notice.

(4) These regulations would permit OSV's to carry more than 12 "offshore workers", as defined in the proposed regulations, when making a domestic voyage. They would not be permitted to carry more than 12 offshore workers when making an international voyage, as defined in the Safety of Life at Sea Convention (SOLAS), 1974, nor would they be permitted to carry pasengers. If a vessel plans to carry passengers in addition to offshore workers or carry more than 12 offshore workers on an international voyage, it would have to be certificated as a passenger vessel under either 46 CFR Subchapter T or H, as is the current practice.

b. *Intent.*

(5) Many of the regulations in this proposal have been taken directly from 46 CFR Subchapters I and T. Every effort has been made to select the most appropriate of these regulations to apply to OSV's. Where appropriate, existing regulations have been modified to consider the unique operation of OSV's and to recognize many of the policies developed for these vessels throughout the years where equivalent levels of safety have been demonstrated. Editorial modifications have also been made in instances where existing regulations are confusing or not clear enough to explain proposed application to an OSV. In preparing a subsequent Notice of Proposed Rule Making, further drafting revisions will be made consistent with Department of Transportation guidelines on providing clarity and simplicity in writing regulations.

(6) The proposed regulations provide differing standards depending on vessel size and the number of offshore workers carried.

(a) *Vessel size.* The proposed regulations recognize, as does Pub. L. 96–378, that vessels of less than 100 gross tons, due to their size, need not meet requirements that are as stringent as those applied to larger vessels. The allowances made for smaller vessels are mainly in the electrical standards, which are proposed in Subparts B and C of Part 132 in this advance notice of proposed rule making.

(b) *Number of offshore workers.* Existing supply boats are not permitted to carry more than 16 person in addition to the crew and, as a result, are not required to meet damage stability standards currently applied to passenger vessels. The proposal would make three changes as follows:

(i) New OSV's would be allowed to carry more than 16 offshore workers.

(ii) The engineroom on each new OSV, regardless of the number of offshore workers carried, would have to be designed to meet recently developed international standards on damage stability. The standards are proposed in §§ 128.13–128.16.

(iii) New OSV's carrying more than 16 offshore workers would have to meet these international standards throughout all portions of the vessel.

(7) This notice includes several equipment requirements that, if restated in the form of performance standards, could provide more flexibility in the design and construction of vessels. The Coast Guard intends to analyze these requirements closely before publishing a Notice of Proposed Rule Making. Comments and suggestions are invited on what performance standards could be substituted for specific equipment requirements in this proposal.

c. *Specific Provisions.*

(8) The cross reference table in paragraph (9) shows how the proposed regulations related to those currently in the Code of Federal Regulations. In some instances, new provisions have been combined with existing requirements. The table also references applicable Navigation and Vessel Inspection Circulars (NVC's) and pertinent provisions in the Coast Guard's Marine Safety Manual (CG–495). The references are not complete in every instance but rather provide a citation to the principal provisions from which the proposed OSV regulation was drawn in whole or in part.

(9) The following table lists the proposed regulations and corresponding provisions in Title 46, CFR, and other publications.

The table includes certain abbrevations:

NVC—Navigation and Vessel Inspection Circular

MSM—Marine Safety Manual

IMO Res.—International Maritime Organization Resolution

Some proposed regulations have more than one reference. For example, the reference for proposed 126.58 are "New, NVC 10–82." These notations indicate that the proposal has been derived in part from both sources, i.e. that part of the proposal is new and that part of it is based upon NVC 10–82.

Proposed regulation	References
Secs:	
125.01	New.
125.04	New.
125.07	90.05–35, MSM 30-10-20G.
125.10	90.05–35, 49 CFR Subchapter C.
125.11	49 CFR Subchapter C.
125.13	92.01–5.
125.16	Subpart 90.10, Subpart 175.10.
125.19	90.15–1.
125.22	90.35–1, 90.35–5.
125.25	175.20–5.
125.28	175.30–1.
126.01	91.15–1.
126.04	91.27–15.
126.07	91.30–1
126.10	Subpart 91.05.
126.13	Subpart 91.37.
126.16	Subpart 91.40, Subpart 176.15.
126.19	Subpart 91.45.
126.22	91.50–1.
126.25	New.
126.28	New.
126.31	91.01–1, 176.01–1.
126.34	176.01–5.
126.37	176.01–10.
126.40	91.01–5.
126.43	91.01–10.
126.46	91.01–15.
126.49	176.01–35.
126.52	91.20–1.
126.55	91.20–5.
126.58	New, NVC 10–82.
126.61	91.20–10.
126.64	91.20–15.
126.67	91.20–20.
126.70	91.25–1.
126.73	91.25–5.
126.76	91.25–10.
126.79	91.25–15.
126.82	91.25–20.
126.85	New.
126.88	91.25–35.
126.91	91.25–37.
126.94	91.27–1.
126.97	91.27–5.
127.01	91.55–1, NVC 10–82.
127.04	91.55–5, 91.55–10.
127.07	91.55–15.
127.10	92.01–10, NVC 11–80
127.13	Subpart 92.05.
127.16	Subpart 92.10, MSM Part 64–3.
127.19	92.15–10.
127.22	92.15–15.
127.25	92.20–10.
127.28	New.
127.31	92.25–5.
127.34	92.25–10.
127.37	92.25–15.
128.01	Part 93.
128.04	Proposed 170.173, MSM Part 65–4, IMO Res. A.469 (XII).
128.07	Subpart 178.15.
128.10	New.

Proposed regulation	References
128.13	New.
128.16	IMO Res. A.469 (XII).
128.19	MSM Part 64-3.
128.22	42.15-70.
128.25	178.35-1.
128.28	56.50-95.
129.01	94.05-1.
129.04	94.05-5.
129.07	94.05-10.
129.10	94.10-5.
129.13	94.10-5.
129.16	94.10-5.
129.19	Subpart 94.10.
129.22	New, 94.10-5.
129.25	94.60-1.
129.28	Subpart 94.90.
129.31	94.15-5.
129.34	94.15-10.
129.37	94.15-15.
129.40	94.20-5.
129.43	94.20-10.
129.46	94.20-20.
129.49	94.20-30.
129.52	94.20-35.
129.55	94.40-5.
129.58	94.40-10.
129.61	94.40-15.
129.64	New.
129.67	New, 94.41, 160.071.
129.70	New.
129.73	New, 94.40-20.
129.76	94.40-25.
129.79	94.43-5.
129.82	94.43-10.
129.85	94.43-15.
129.88	91.25-15.
129.91	Subpart 94.50.
130.01	95.05-5, 95.10-1
130.04	95.10-15.
130.07	95.10-5.
130.10	95.10-10.
130.13	95.50-5, NVC 6-72, CH-1.
130.16	95.50-10.
130.19	95.50-15.
130.22	95.50-20.
130.25	95.05-10.
130.28	New.
130.31	95.01-5.
130.34	91.25-20, NVC 6-72, CH-1.
130.37	Subpart 95.60.
131.01	New.
131.04	56.01-10.
131.07	New.
131.13	56.60.
131.16	New.
131.19	56.50-95.
131.22	New, 56.60, 58.30.
131.31	New, 58.01-10.
131.34	New 58.10-5.
131.40	Subpart 58.20.
131.43	New, 56.50-96.
131.46	New.
131.49	New, 56.50-50, 56.50-55.
131.52	New, 58.20-15, 56.50-60.
132.01	New, 90.25-1.
132.07	New, Subpart 111.105.
132.10	New.
132.13	183.05-5.
132.16	183.05-10.
132.19	183.05-15.
132.22	183.05-20.
132.25	183.05-25.
132.28	183.05-30.
132.31	183.05-35.
132.34	183.05-45.
132.37	183.05-50.
132.40	New.
132.43	183.10-5.
132.46	183.10-10.
132.49	183.10-15.
132.52	Subpart 111.60.
132.55	183.10-20.
132.58	183.10-25.
132.61	183.10-30.
132.64	183.10-35.
132.67	183.10-40.
132.70	183.10-45.
132.73	183.10-50.
132.76	90.25-1.
132.79	New, Subpart 111.10.
132.82	New, 111.60-7.
132.85	New.
132.88	New, 111.75-17.
132.91	New, 111.103.
132.94	New, 111.105.
132.97	New.
132.100	New.
133.01	NVC 1-78.
133.04	NVC 1-69.
133.07	NVC 1-78.
133.10	NVC 1-78.
133.13	NVC 1-69.
133.16	NVC 1-78.
133.22	NVC 1-78.
133.25	NVC 1-69, NVC 1-78.
134.01	Subchapters F & J.
134.04	Subchapters F & J.
134.07	New.
134.10	New.
134.13	New, Subchapters F & J.
134.16	96.13-1.
134.19	Subchapter J.
134.22	Subchapter F, Subpart 184.05.
134.25	Subpart 96.30.
134.28	New, Subpart 96.07.
134.31	Subpart 96.20.
134.34	96.17-1.
135.01	97.07-1.
135.04	97.07-5.
135.07	97.07-10.
135.10	97.07-15.
135.13	97.07-20.
135.16	97.07-25.
135.19	97.30-1.
135.22	97.30-5.
135.25	97.30-10.
135.28	97.30-20.
135.31	97.14-5.
135.34	97.14-10.
135.37	97.15-3.
135.40	97.15-5.
135.43	97.15-10.
135.46	97.15-20.
135.49	97.15-30.
135.52	97.15-35.
135.55	97.15-40.
135.58	97.15-45.
135.61	97.15-60.
135.64	97.15-65.
135.67	97.35-3.
135.70	97.35-5.
135.73	97.35-10.
135.76	97.34-5.
135.79	97.34-10.
135.82	97.34-15.
135.85	97.34-20.
135.88	97.37-3.
135.91	97.37-5.
135.94	97.37-7.
135.97	97.37-9.
135.100	97.37-10.
135.103	97.37-13.
135.106	97.37-15.
135.109	97.37-23.
135.112	97.37-25.
135.115	97.37-33.
135.118	97.37-35.
135.121	97.37-37.
135.124	97.37-40.
135.127	97.37-43.
135.130	97.37-45.
135.133	97.37-47.
135.136	97.37-55.
135.139	185.30-25.
135.142	97.40-5.
135.145	97.40-10.
135.148	97.40-15.
135.151	97.03-1.
135.154	97.05-1.
135.157	Subpart 97.10.
135.160	New.
135.163	97.27-10.
135.166	97.50-1.
135.169	97.75-1.
135.172	Part 98.
135.175	New.
135.178	97.36-1.
135.181	97.39-1.
135.184	Subpart 97.43.
135.187	97.53-1.
135.190	97.16-1.
135.193	97.20-1.
135.196	97.23-1.
135.199	97.25-1.
135.202	97.27-5.

(10) The following specific regulations propose substantive changes to the current standards being applied to offshore supply vessels.

Section 125.4 Applicability.

This subchapter would apply to offshore supply vessels contracted for on or after the effective date of these regulations. Vessels contracted for before that date would be inspected as required by existing regulations in Subchapters I and T of Title 46, CFR. The safety standards proposed in this subchapter are not considered adequate for vessels carrying more than 150 offshore workers. Vessels planning to carry more than 150 offshore workers would have to be certificated as passenger vessels in accordance with the requirements of Subchapter T or H in Title 46, CFR, as applicable.

Section 125.7 Hazardous materials in bulk.

This section states the types and amounts of flammable or combustible liquid cargoes that would be permitted to be carried in integral or fixed independent tanks on an OSV. Grades D and E combustible liquids are currently permitted to be carried on a supply boat in "limited quantities". This regulation adopts existing Coast Guard policy, as set out in the Marine Safety Manual, to limit the amount of these liquids to 20 percent of the vessel's deadweight.

Section 126.16 Drydocking.

This section proposes that each vessel be required to be drydocked every 36 months. Presently, supply boats are required to be drydocked every 24 months. The 36 month interval will permit the drydocking and the inspection for certification to be held concurrently. The drawing of tailshafts on vessels of less than 100 gross tons is left to the discretion of the Officer in Charge, Marine Inspection (OCMI) as it is not always necessary to draw the tailshaft at each drydocking for this size vessel.

Section 126.25 Carriage of offshore workers; and

Section 126.28 Carriage of passengers.

The number of offshore workers permitted to be carried by an OSV on a domestic voyage would be determined by the OCMI in accordance with the proposed regulations. Since only passenger vessels can carry more than 12 passengers on an international voyage, an OSV would be permitted to carry a maximum of 12 offshore workers when on an international voyage. The proposed regulations also implement the

prohibition in Pub. L. 96-378 against the carriage of passengers on an OSV.

Section 126.43 Period of validity.

This section proposes a certificate of inspection which would be valid for a period of three years. The certificate of inspection of a supply boat is presently valid for two years. The Coast Guard considers that this increased period is justified by the past performance of these vessels.

Section 126.58 Assignment of marine inspector.

This section proposes procedures for having inspections conducted by marine surveyors of the American Bureau of Shipping and other classification societies. The procedures established with the American Bureau of Shipping are contained in Navigation and Vessel Inspection Circular (NVC) No. 10-82.

Section 126.85 Dry bulk cargo tanks.

This section specifies inspection standards for dry bulk cargo tanks. The proposal adopts long-standing Coast Guard policy to inspect them in accordance with the requirements of § 61.10-5 (b) of Title 46, Code of Federal Regulations. However, the inspection interval has been extended from two to three years to correspond to the interval in this proposal for inspections for certification.

Section 126.88 Marine engineering equipment.

The required internal inspection interval for pressure vessels has been relaxed from a biennial requirement to the same interval as required for drydock examinations in proposed § 126.16 so that they can be performed concurrently.

Section 126.94 Reinspection: When made.

This section proposes an inspection by the Coast Guard between the fifteenth and the twenty-first month of the three year period for which the certificate of inspection is valid. This inspection is in addition to the inspection for certification required by Subpart D of Part 126.

a. *Vessels of 100 gross tons and over.* The Coast Guard is required under 46 U.S.C. 404-1(6)(ii), 46 U.S.C. 391, and 46 U.S.C. 392 to inspect OSV's of 100 gross tons and over at least once in every two years. A reinspection in addition to the inspection for certification every three years would satisfy this requirement.

b. *Vessels of less than 100 gross tons.* The inspection interval for an OSV under 100 gross tons can be extended under 46 U.S.C. 404-1(6)(i) and U.S.C. 390a to a three year period. However, a reinspection has also been proposed for these vessels to check for safety discrepancies that can arise during the three year period between inspection for certification.

c. *Annual certification by the master.* In preparing this proposal, consideration has been given to having the master of a vessel under 100 gross tons—

1. Conduct annual inspections in lieu of having the Coast Guard conduct a reinspection; and

2. Certify on the basis of the inspection that the vessel complies with applicable regulations.

Comments are requested on whether the same level of safety could be achieved for vessels of less than 100 gross tons by having the master perform annual inspections.

Part 127—Subpart A Plan Approval

This subpart proposes two alternatives for plan approval:

1. All of the plans listed in § 127.4 may be submitted to the Coast Guard.

2. If a vessel is classed by a recognized classification society, procedures have been established to eliminate dual submission of many of the plans to both the Coast Guard and the classification society.

Section 127.10 Structural standards.

This section identifies the American Bureau of Shipping Rules and Coast Guard Navigation and Vessel Inspection Circular No. 11-80 as the structural standards that will be accepted for the design and construction of offshore supply vessels.

Section 127.25 Location of quarters and accommodation spaces.

This section proposes that the deck of crew and offshore worker quarters and accommodation spaces be above the deepest load waterline unless the vessel meets the damage stability standards in proposed § 128.16. The intent of the regulation is to ensure that personnel have adequate time and means to get on deck in case of an emergency.

Section 127.28 Construction and arrangement of crew and offshore worker spaces.

This section includes a requirement that a seat be provided for each offshore worker carried. If the intended operation of the vessel is such that offshore workers would be on board for more than 12 hours, berths or the equivalent of aircraft style seats would have to be provided. The absence of any further specific requirements for crew and offshore workers would allow owners and operators greater flexibility in arranging these spaces. The OCMI, in determining the number of offshore workers that the vessel would be permitted to carry, would review the arrangement drawings to determine if any unsafe arrangement exists and would impose additional requirements as necessary.

Part 128—Subpart A Stability

This rule making proposes watertight integrity and stability requirements specific to OSV's. For requirements that are applicable to all vessel types, it refers to 46 CFR Parts 170 and 173 which were published in a Notice of Proposed Rule Making on August 12, 1982 (47 FR 35090). That NPRM proposes a new Subchapter S which contains subdivision and stability regulations applicable to all inspected vessels. The additional requirements proposed in this rule making will eventually be transferred to the new Subchapter S.

Section 128.4 Intact stability requirements.

The stability criterion proposed in this section is a righting energy analysis which has been applied by the Coast Guard to supply boats since 1974. As an alternative to this criterion, the proposed regulation would permit compliance with § 170.173 or proposed Subchapter S, which is an International Maritime Organization (IMO) recommended criterion for offshore supply vessels.

Section 128.10 Machinery space bulkheads; and

Section 128.13 Machinery space damage stability.

These sections would require that machinery space bulkheads be watertight and that it be demonstrated that the vessel can survive the flooding of the engineroom. The engineroom of an offshore supply vessel is the space most susceptible to flooding.

Section 128.16 Additional damage stability requirements.

This section proposes a damage stability standard for vessels carrying more than 16 offshore workers. The standard proposed in this section is similar to an internationally developed damage stability for offshore supply vessels (IMO Res. A.469 (XII)). The principal difference between the proposed regulation and the international standard relates to the transverse extent of collision penetration that must be assumed in doing stability calculations. The international standard assumes a 30 inch penetration. The proposed standard

assumes a penetration equal to the beam of the vessel divided by 5, which the same as the assumed penetration applied to U.S. vessels in existing regulations in Title 46, CFR.

Section 128.19 Watertight bulkhead doors.

This section proposes to permit Class 1 watertight doors in required watertight bulkheads in lieu of Class 3 sliding watertight doors as proposed in Subchapter S. Access through watertight bulkheads on OSV's is an operational necessity and the requirements proposed in this section are considered to provide an adequate level of safety for these vessels while permitting the necessary operational flexibility.

Section 128.22 Drainage of weather decks.

The deck drainage requirements from the load line regulations (46 CFR Subchapter E) hae been proposed for all OSV's Adequate deck drainage is essential to the survivability of a vessel. Specific requirements are not now included in Subchapter I.

Section 128.25 Hatches and coamings.

The requirements in this section, to maintain the weathertight and watertight integrity of the deck, are taken from Subchapter T. A load lined OSV would also have to comply with the requirements in Subchapter E of this chapter.

Section 128.28 Hull penetrations and shell connections.

The requirements in this section, to maintain the watertight integrity of the hull, are taken from Subchapter F. A load lined OSV would also have to comply with the requirements in Subchapter E of this chapter.

Section 129.19 Primary lifesaving equipment.

This section requires a sufficient number of lifeboats to accommodate all persons on board and a sufficient number of inflatable liferafts to accommodate all persons on board. Alternatively, the vessel could be equipped with a sufficient number of inflatable liferafts on each side of the vessel to accommodate all persons on board. OSV's operating exclusively in the Gulf of Mexico would be permitted to provide life floats as primary lifesaving equipment in lieu of lifeboats or inflatable liferafts because of the extensive amount of shipping activity in the area and the warmer water temperatures.

Section 129.22 Rescue boat.

Existing regulations require all OSV's to provide a rescue boat of rigid construction. Rescue boats of inflatable construction have also been accepted by the Coast Guard and are included in this proposal. This section would permit the rescue boat to be omitted if, in the opinion of the OCMI, the vessel is arranged to allow a helpless person to be recovered from the sea without having to use a boat.

Section 129.64 Exposure suits.

Because of recent casualties involving deaths due to hypothermia, this section contains a proposal to require exposure suits on OSV's operating in certain waters where cold temperatures are encountered. Most OSV's operate only in the Gulf of Mexico and accordingly would be exempted. The need for exposure suits is still being evaluated. Comments and suggestions are specifically requested regarding this proposal.

Section 129.73 Personal flotation device lights.

In addition to the existing requirement that a personal flotation device light be attached to each life preserver, this section proposes that a light also be attached to each exposure suit required by § 129.64. Comments and suggestions are specifically requested regarding this proposal.

Section 130.25 Fixed fire extinguishing Systems.

Present regulations require installation of a fixed fire extinguishing system in paint lockers. The proposal makes an exception for small paint lockers on the weather deck since the fire hazard in these spaces is not nearly as severe as in a large paint locker or one located below deck.

Part 131—Marine Engineering Equipment and Systems

The proposed marine engineering equipment and systems requirements are based on 46 CFR Subchapter F is not considered necessary. In order to provide more flexibility to designers and builders, relaxations and equivalencies have been extablished over the years and have been implemented in the form of policy statements. The requirements in this part reflect many of those policy statements. In summary, Class II systems are divided into two categories; Vital and Non-Vital. Class II Non-Vital systems will not be required to comply with Subchapter F; whereas Class II Vital systems will have to comply but flexibility is given in the selection of materials for these systems. A Class I piping system will continue to be required to comply with Subchapter F.

Part 132—Electrical Engineering Equipment and Systems

The requirements of 46 CFR Subchapter J (Electrical Engineering Regulations) have been proposed for vessels of 100 gross tons or more. Where appropriate, exceptions have been made to those requirements to reflect present industry practices considered acceptable to the Coast Guard. Strict compliance with subchapter J is not considered necessary for vessels of less than 100 gross tons. The proposed electrical engineering requirements for these vessels are based on those in Subchapter T of this chapter.

Part 133—Automation of Unattended Machinery Spaces

The automation requirements in this part would apply only to OSV's of 100 gross tons and over. In general, the guidelines in Navigation and Vessel Inspection Circular No. 1-78, "Automation of Offshore Supply Vessels of 100 Gross Tons and Over," have been included in this part.

Section 134.10 Steering systems on vessels of less than 100 gross tons.

The proposed steering system requirements in this section are predominantly performance standards intended to provide adequate steering for this size vessel. More complex steering systems of the type required for larger vessels are not considered essential for OSV's of less than 100 gross tons.

Section 134.13 Steering systems on vessels of 100 gross tons and over.

This section allows use of a hydraulic helm unit steering system in lieu of a steering system required by Subchapters F and J. A hydraulic helm unit steering system is considered to provide equivalent steering capability on an OSV.

Section 134.28 Anchors, chains, and hawsers.

The rules proposed in this section identify ABS rules as the standard for anchors, chains, and hawsers but do allow alternatives for vessels depending upon their gross tonnage.

List of Subjects

46 CFR Part 125

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Administrative practice and procedures,

Authority delegations (Government agencies).

46 CFR Part 126

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Reporting and recordkeeping requirements, Law enforcement, Authority delegation (Government agencies).

46 CFR Part 127

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Reporting and recordkeeping requirements, Authority delegations (Government agencies).

46 CFR Part 128

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Stability.

46 CFR Part 129

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation.

46 CFR Part 130

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Fire prevention.

46 CFR Part 131

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation.

46 CFR Part 132

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Electric power.

46 CFR Part 133

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Reporting and recordkeeping requirements.

46 CFR Part 134

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Navigation (water), Communication equipment.

46 CFR Part 135

Marine safety, Vessels, Offshore supply vessels, Oil and gas exploration, Hazardous materials transportation, Reporting and recordkeeping requirements, Penalties, Navigation (water).

In consideration of the foregoing, the Coast Guard proposes to amend Chapter 1 of Title 46 of the Code of Federal Regulations by adding a new Subchapter L to read as set forth below.

Dated: February 2, 1983.

Clyde T. Lusk, Jr.,

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

SUBCHAPTER L—OFFSHORE SUPPLY VESSELS

PART 125—GENERAL PROVISIONS

Sec.

125.1 Authority and purpose.
125.4 Applicability..
125.7 Hazardous materials in bulk.
125.10 Hazardous materials in portable tanks.
125.11 Packaged freight.
125.13 Load line requirements..
125.16 Definitions..
125.19 Equivalents.
125.22 Classification society standards.
125.25 Notice of deficiencies and requirements.
125.28 Right of appeal.

Authority: § 2, 67 Stat. 418 (46 U.S.C. 86); § 2, 49 Stat. 888 as amended (46 U.S.C. 88a); R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96-378, 94 Stat. 1513 (46 U.S.C. 404-1); R.S. 4462, as amended (46 U.S.C. 416); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

§ 125.1 Authority and purpose.

The purpose of these regulations is to set forth uniform requirements for offshore supply vessels in accordance with the Small Vessel Inspection and Manning Act, Pub. L. 96-378.

§ 125.4 Applicability.

(a) This subchapter applies to each offshore supply vessel that—

(1) Is contracted for on or after (the effective date of these regulations); and

(2) Carries less than 150 offshore workers.

(b) Each vessel contracted for before the effective date of these regulations must be constructed in accordance with the regulations in effect when contracted for.

(c) Certain regulations in this subchapter apply only to limited categories of vessels. Specific applicability statements are provided at the beginning of those regulations.

§ 125.7 Hazardous materials in bulk.

(a) Except as provided in paragraph (b) of this section, a vessel may not carry hazardous materials in independent tanks or integral tanks without the specific approval of the Commandant (G-MTH).

(b) An offshore supply vessel may carry the following if provided on its certificate of inspection:

(1) Grades D and E combustible liquids in integral tanks in quantities not to exceed 20 percent of the vessel's deadweight.

(2) Excess fuel oil in the vessel's fuel tanks for delivery to offshore drilling or production facilities.

§ 125.10 Hazardous materials in portable tanks.

(a) Carriage of hazardous materials in portable tanks on board offshore supply vessels is prohibited, except as provided in this section.

(b) Flammable or combustible liquids may be carried in a Department of Transportation (DOT) specification portable tank approved in accordance with the requirements of 49 CFR Subchapter C.

(c) Hazardous materials, as defined in 49 CFR Subchapter C, may be carried in a DOT specification portable tank approved in accordance with the requirements of 49 CFR Subchapter C.

(d) A marine portable tank, designed in accordance with § 64.11 of this chapter, may be filled or discharged on board a vessel if done in accordance with the requirements in § 135.172 of this subchapter.

§ 125.11 Packaged freight.

Packaged hazardous materials may be carried if prepared, loaded, and stowed in accordance with the requirements of 49 CFR Subchapter C.

§ 125.13 Load line requirements.

Each vessel subject to load line assignment, certification, and marking under Subchapter E of this chapter must meet the requirements in Subchapter E in addition to the requirements in this subchapter.

§ 125.16 Definitions.

(a) "Accommodation space" means any space used as a messroom, lounge, sitting area, recreation room, toilet, or shower room.

(b) "Approved" means approved by the Commandant unless otherwise stated.

(c) "Approved type" means a type specifically aproved by the Commandant.

(d) "Bulkhead deck" means the uppermost deck to which watertight bulkheads and the shell extend.

(e) "Cargo gear" includes masts, stays, booms, winches, cranes, elevators, conveyors, and standing and running gear that form a part of the shipboard equipment used in connection with the loading and unloading of the vessel.

(f) "Coast Guard District Commander" means an officer of the Coast Guard designated by the Commandant to command all Coast Guard activities within a Coast Guard district, which include the inspection, enforcement, and administration of vessel safety and navigation laws and regulations.

(g) "Coastwise" refers to a route that is not more than 20 nautical miles offshore on any of the following waters:

(1) Any ocean;

(2) The Gulf of Mexico;

(3) The Caribbean Sea;

(4) The Gulf of Alaska; and,

(5) Other similar waters as may be designated by the Coast Guard District Commander.

(h) "Commandant" means the Commandant of the Coast Guard or an authorized representative of the Commandant.

(i) "Commander, Merchant Marine Technical Field Office" or "Commander (mmt)" means a district commander described in 33 CFR Part 3 whose command includes a merchant marine technical office listed in § 127.07(a)(2) of this subchapter, or an authorized representative of the district commander.

(j) "Damp or wet location" means—

(1) A location exposed to the weather;

(2) A machinery space;

(3) A cargo space;

(4) A location within a galley, a laundry, or a public washroom or toilet room that has a bath or shower normally exposed to splashing, water washdown, or other wet conditions;

(5) An area directly inside of an access door to a weather deck if the access door is not protected against rain or spray by an overhanging deck or by other means; or

(6) Other spaces with similar moisture levels.

(k) "Deadweight" means, when measured in water of specific gravity 1.025, the difference in long tons between—

(1) The displacement of the vessel with fuel, lubricants, fresh water, consumable stores, and any persons and their effects on board; and

(2) The displacement of the vessel at the deepest load waterline.

(l) "Deepest load waterline" means the waterline that corresponds to the deepest draft permitted by the applicable requirements in this subchapter.

(m) "Downflooding" means the entry of seawater through any opening into the hull or superstructure of an undamaged vessel due to heel, trim, or submergence of the vessel.

(n) "Gas free" means free from dangerous concentrations of flammable or toxic gases.

(o) "International voyage" means a voyage between a country to which the International Convention for the Safety of Life at Sea (SOLAS), 1974 applies and a port outside that country.

(p) "Length" means the distance between fore and aft points on a vessel. The following specific terms are used and correspond to specific fore and aft points:.

(1) "Length between perpendiculars (LBP)" means the horizontal distance measured between perpendiculars taken at the forward-most and after-most points on the waterline corresponding to the deepest load waterline.

(2) "Length on deck (LOD)" means the length between the forward-most and after-most points of the weather deck, excluding sheer.

(3) "Load line length (LLL)" has the same meaning that is provided for the term "length" in § 42.13–15(a) of this chapter.

(q) "Marine inspector" means any person of the Coast Guard assigned under an Officer in Charge, Marine Inspection, or any other person, designated to perform duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations.

(r) "Marine surveyor" means a person employed by the American Bureau of Shipping or other recognized classification society designated to perform an inspection function described in this subchapter.

(s) "Ocean" refers to a route which is more than 20 nautical miles offshore on any of the following waters:

(1) Any ocean;

(2) The Gulf of Mexico;

(3) The Caribbean Sea;

(4) The Gulf of Alaska; and,

(5) Other similar waters as may be designated by the Coast Guard District Commander.

(t) "Officer in Charge, Marine Inspection" or "OCMI" means any person so designated by the Commandant to be in charge of an inspection zone for the performance of duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations.

(u) "Offshore supply vessel" means a vessel that—

(1) Is propelled by machinery other than steam;

(2) Is not within the description of passenger carrying vessels in section 1 of the Act of May 10, 1956 (70 Stat. 151), as amended (46 U.S.C. 390);

(3) Is of more that fifteen and less than five hundred gross tons; and

(4) Regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(v) "Offshore worker" means any one of the following persons who is carried on board an offshore supply vessel:

(1) The owner.

(2) A representative of the owner.

(3) An employee of the owner, or of a subcontractor to the owner, employed in the business of the owner.

(4) A charterer of the vessel.

(5) A representative of the charterer.

(6) An employee of the charterer, or of a subcontractor to the charterer, employed in the business of the charterer.

(7) A person employed in some phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel.

(8) A bona fide guest who has contributed no consideration for carriage on board.

(w) "Quarters" means any space where sleeping accommodations are provided.

(x) "Recognized classification society" means the American Bureau of Shipping (ABS) or any other classification society recognized by the Commandant.

§ 125.19 Equivalents.

Substitution for fittings, equipment, arrangements, calculations, information, or tests required in this subchapter may be accepted by the OCMI, the Coast Guard District Commander, or the Commandant if the substitution provides an equivalent level of safety.

§ 125.22 Classification society standards.

(a) Various regulations in this subchapter require items, methods of construction, or tests to meet the standards established by the American Bureau of Shipping. Alternatively, the standards of other recognized classification societies may be accepted upon approval by the Commandant.

(b) The standards established by the American Bureau of Shipping may be purchased from the American Bureau of Shipping, 65 Broadway, New York, N.Y. 10006. These standards may also be examined at the Office of the Commandant (M), U.S. Coast Guard, Washington, D.C. 20593, or at the office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

§ 125.25 Notice of deficiencies and requirements.

(a) If during the inspection of a vessel, the vessel or its equipment is found not

to conform to the requirements of law or the regulations in this subchapter, the marine inspector points out the identified deficiencies and discusses applicable requirements with the owner or operator. Normally, the marine inspector lists all the requirements which have not been completed and presents the list to the owner or operator.

(b) In any case, where the owner or operator of a vessel wants further clarification of, or reconsideration of, any requirement imposed by the marine inspector, he may discuss the matter with the OCMI.

§ 125.28 Right of appeal.

Any person aggrieved by a decision or action of any OCMI or Coast Guard District Commander may appeal the decision or action in accordance with the procedures in § 2.01–70 of this chapter.

PART 126—INSPECTION AND CERTIFICATION

Subpart A—General

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Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96–378, 94 Stat. 1513 (46 U.S.C. 404–1); R.S. 4462, as amended (46 U.S.C. 416); § 1, Pub. L. 86–244, 73 Stat. 475 (46 U.S.C. 481); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General

§ 126.1 Inspection standards.

Except where otherwise provided in applicable regulations in this chapter, the inspection standards established by the American Bureau of Shipping are employed by the marine inspector.

§ 126.4 Inspectors not limited.

The marine inspector may require that a vessel and its equipment meet any test or inspection deemed necessary to determine if they are suitable for the service in which they are to be employed.

§ 126.7 Inspection after accident.

(a) An inspection is made by a marine inspector—

(1) Every time an accident occurs or a defect is discovered which affects—

(i) The safety of the vessel; or

(ii) The effectiveness or completeness of its lifesaving appliances, fire fighting or other equipment; or

(2) Whenever any important repairs or renewals are made.

(b) The inspection is made to determine—

(1) What repairs or renewals must be made;

(2) That the material and the workmanship used to accomplish the repairs or renewals are satisfactory; and

(3) That the vessel complies with the regulations in this subchapter.

§ 126.10 Permit to proceed to another port for repair.

(a) A permit to proceed to another port for repair is issued on Form CG–948.

(b) The permit is issued only upon written application by the owner, master, or operator of the vessel.

(c) The permit states upon its face the conditions under which it is issued and whether or not the vessel is permitted to carry cargo or offshore workers.

(d) The permit must be carried in a manner similar to that described in § 126.40 for a certificate of inspection.

§ 126.13 Inspection of cargo gear.

Cargo gear, if installed, must comply with the inspection requirements in Part 91 of this chapter.

§ 126.16 Drydocking.

(a) Except for extensions authorized by the Commandant, each vessel must be placed in drydock or hauled out for examination at intervals not to exceed 36 months.

(b) The owner or operator must notify the OCMI when the vessel is to be placed on a drydock. The OCMI upon notification determines whether to assign a marine inspector to examine the underwater portion of the vessel.

(c) At each drydocking required by paragraph (a) of this section, a tailshaft survey must be conducted as required in § 61.20–15 of this chapter if the vessel is 100 gross tons or over.

(d) For a vessel of less than 100 gross tons, the propeller or tailshaft must be drawn for examination if deemed necessary by the OCMI.

§ 126.19 Repairs and alterations.

(a) No repairs or alterations to the hull, machinery, or equipment which affect the safety of the vessel are to be made without the knowledge of the OCMI.

(b) Except as provided in paragraph (d) of this section, drawings of repairs or alterations must be approved by the OCMI or Commander (mmt) before work is started.

(c) When the OCMI deems necessary, the repairs or alterations must be inspected by a marine inspector.

(d) Submission of drawings is not required for repairs in kind, but the applicable drawings approved under Subpart A of Part 127 of this subchapter must be made available to the marine inspector.

§ 126.22 Inspection and testing required when making alterations, repairs, or other operations involving riveting, welding, burning, or like fire-producing actions.

(a) The provisions of "Standard for Control of Gas Hazards on Vessels to be Repaired," NFPA No. 306, published by National Fire Protection Association, 60 Batterymarch Street, Boston, Mass., 02110, must be used as a guide in conducting the inspections and issuances of certificates required by this section.

(b) Until an inspection has been made to determine that the operation can be undertaken safely, no alterations, repairs, or other operations involving riveting, welding, burning, or like fire-producing actions may be made—

(1) Within or on the boundaries of cargo tanks that have been used to carry flammable or combustible liquids or chemicals;

(2) Within spaces adjacent to cargo tanks that have been used to carry

flammable or Grade D combustible liquid cargo, except where the distance between the cargo tanks and the work to be performed is not less than twenty-five (25) feet;

(3) Within or on the boundaries of fuel tanks; or

(4) To pipelines, heating coils, pumps, fittings, or other appurtenances connected to cargo or fuel tanks.

(c) Inspections must be conducted as follows:

(1) In ports or places in the United States or its territories and possessions, the inspection must be made by a marine chemist certificated by the National Fire Protection Association; however, if the services of a certified marine chemist are not reasonably available, the OCMI, upon the recommendation of the contractor and the owner or operator of the vessel, selects a person to make the inspection. If the inspection indicates that operations can be undertaken safely, a certificate setting forth the spaces covered and any necessary qualifications, must be issued by the person performing the inspection before the work is started. The qualifications must include any requirements necessary to maintain safe conditions in the certified spaces and must include any necessary additional tests and certifications. The qualifications must include precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) In all ports or places outside of the United States or its territories and possessions, where a marine chemist or other person authorized by the OCMI is not reasonably available, the inspection must be made by the master, owner, or operator of the vessel and a proper entry must be made in the vessel's logbook.

(d) The master must obtain a copy of each certificate issued by the person doing the inspection described in paragraph (c)(1) of this section. The master, insofar as the persons under his control are concerned, must maintain a safe condition on the vessel by full observance of all qualifications and requirements listed in the certificate issued under paragraph (c)(1) of this section.

§ 126.25 Carriage of offshore workers.

(a) Except as provided in paragraph (b) of this section, offshore workers may be carried on an offshore supply vessel in accordance with the regulations in this subchapter. The maximum number of offshore workers authorized to be carried will be endorsed on the vessel's certificate of inspection.

(b) No more than 12 offshore workers may be carried on board a vessel certificated under this subchapter when on an international voyage.

§ 126.28 Carriage of passengers.

(a) No passengers may be carried on an offshore supply vessel certificated under this subchapter except in an emergency.

(b) For the purpose of this section, a passenger is any person who is not listed in § 125.16(v) and who is neither—

(1) The master; nor

(2) A bona fide member of the crew engaged in the business of the vessel who has contributed no consideration for carriage on board and is paid for services on board.

Subpart B—Certificate of Inspection

§ 126.31 When required.

Except as provided in § 126.10 and § 126.46, no offshore supply vessel may be operated without a valid certificate of inspection.

§ 126.34 Description.

The certificate of inspection issued to a vessel describes the vessel, the route which it may travel, the minimum manning requirements, the major lifesaving equipment carried, the minimum fire extinguishing equipment and life preservers to be carried, the maximum number of persons which may be carried, the name of the owner and operator, and conditions of operations as may be determined by the OCMI.

§ 126.37 How to obtain or renew.

(a) A certificate of inspection may be obtained or renewed by making application for inspection on Form CG-3752, Application for Inspection of U.S. Vessel, to the OMCI in whose zone the inspection is to be made. The application forms are available at any Coast Guard Marine Inspection or Marine Safety Office.

(b) Each application for inspection of a vessel being newly constructed must be submitted prior to the start of construction.

(c) The construction, arrangement, and equipment of all vessels must be acceptable to the OCMI as a prerequisite to the issuance of the initial certificate of inspection. Acceptance will be based on the information, specifications, drawings, and calculations available to the OCMI, and on the successful completion of the initial inspection for certification.

(d) Certificates of inspection will be renewed by the issuance of new certificates of inspection.

(e) The condition of the vessel and its equipment must be acceptable to the OCMI, as a prerequisite to renewing the certificate of inspection. Acceptance will be based on the condition as found at the inspection for certification.

§ 126.40 Posting.

The certificate of inspection must be framed under glass or other suitable transparent material and posted in a conspicuous place on the vessel.

§ 126.43 Period of validity.

(a) Certificates of inspection are issued for a period of three years. The master, owner, or operator may apply for an inspection and issuance of a new certificate of inspection at any time during the period of validity of the current certificate.

(b) Certificates of inspection may be revoked or suspended by the Coast Guard for failure to comply with regulations in this subchapter or other applicable laws or regulations.

§ 126.46 Temporary certificate.

If necessary to prevent delay of the vessel, a temporary certificate of inspection, Form CG-854, may be issued pending the issuance and delivery of the regular certificate of inspection. A temporary certificate must be carried in the same manner as the regular certificate.

§ 126.49 Certificate of inspection amendment.

(a) A certificate amending a certificate of inspection may be issued at any time by any OCMI. The "Certificate of Inspection Amendment", Form CG-858, may be issued to authorize and record a change in the character of a vessel or in its route, equipment, etc., from that specified in the current certificate of inspection.

(b) A request for a certificate of inspection amendment must be made to the OCMI by the owner or operator of the vessel at any time there is a change in the character of the vessel or in its route, equipment, ownership, etc., as specified in its current certificate of inspection.

(c) The OCMI may require an inspection prior to the issuance of a certificate of inspection amendment.

(d) A certificate of inspection amendment is part of the certificate that it amends, and must be carried with the certificate of inspection.

Subpart C—Initial Inspection

§ 126.52 Prerequisite to certificate of inspection.

The initial inspection is a prerequisite to the issuance of the original certificate of inspection.

§ 126.55 When made.

(a) The initial inspection is not made until after receipt of the written application of the owner or builder of the vessel to the OCMI in whose zone the vessel is located. The application must be on Form CG–3752, Application for Inspection of U.S. Vessel.

(b) This inspection is made at a time and place mutually agreed to by the party requesting the inspection and the OMCI. The owner or builder must be present during the inspection.

§ 126.58 Assignment of marine inspector.

(a) Except as provided in paragraphs (b) and (c) of this section, the initial inspection is made by a marine inspector assigned by the OCMI.

(b) If a vessel is to be classed by the American Bureau of Shipping the Coast Guard will accept an ABS inspection of certain items during the initial inspection without attendance by a marine inspector. See Navigation and Vessel Inspection Circular No. 10–82 entitled "Acceptance of Plan Review and Inspection Tasks Performed by the American Bureau of Shipping for New Construction or Major Modifications of U. S. Flag Vessels."

(c) If a vessel is to be classed by a recognized classification society other than ABS, the Coast Guard will accept that society's inspection of certain items during the initial inspection without attendance by a marine inspector if the owner provides to the Coast Guard-

(1) A statement from the owner attesting that the completed vessel complies with all applicable U. S. Coast Guard regulations and standards; and

(2) A statement from the recognized classification society attesting that the vessel was attended to and was built to plans approved by the Coast Guard or the American Bureau of Shipping on behalf of the Coast Guard.

§ 126.61 Plans.

Before construction is started, the owner, operator, or builder must develop plans indicating the proposed arrangement and construction of the vessel. The list of plans to be developed and the required disposition of these plans is set forth in Part 127 of this subchapter.

§ 126.64 Scope of inspection.

The initial inspection normally consists of a series of inspections conducted by a marine inspector or a marine surveyor during the construction of the vessel. These inspections are done to determine whether the vessel was built in accordance with developed plans and in compliance with applicable regulations. Items normally included in these inspections are:

(a) Arrangements.

(b) Materials.

(c) Structure.

(d) Pressure vessels and their appurtenances.

(e) Piping.

(f) Main and auxiliary machinery.

(g) Steering apparatus.

(h) Electrical installations.

(i) Lifesaving appliances.

(j) Fire detecting and extinguishing equipment.

(k) Pollution prevention equipment.

(l) Watertight integrity.

(m) Workmanship.

(n) Verification of valid certificates issued by the Federal Communications Commission, if required.

(o) Lights and signals as required by the applicable navigation rules.

§ 126.67 Specific tests and inspections.

(a) The applicable tests and inspections set forth in Subpart D of this part must be made during the initial inspection.

(b) The following specific tests and inspections must also be conducted in the presence of the marine inspector:

(1) Installation of lifeboats, davits, and winches—see Subpart 94.35 of this chapter.

(2) Installation of carbon dioxide or Halon fire extinguishing piping—see § 95.15–15 of this chapter.

Subpart D—Inspection for Certification

§ 126.70 Prerequisite to reissuance of certificate of inspection.

An inspection for certification is a prerequisite to the reissuance of a certificate of inspection.

§ 126.73 When made.

An inspection for certification is not made until after receipt of the written application of the owner, operator, or master of the vessel to the OCMI in whose zone the vessel is located. The application must be on Form CG–3752, Application for Inspection of U. S. Vessel.

§ 126.76 Scope of inspection.

The inspection for certification is made by a marine inspector to determine whether the vessel is in satisfactory condition and fit for the service for which it is intended. Items normally included in these inspections are:

(a) Structure.

(b) Watertight integrity.

(c) Pressure vessels and their appurtenances.

(d) Piping.

(e) Main and auxiliary machinery.

(f) Steering apparatus.

(g) Electrical installations.

(h) Lifesaving appliances.

(i) Work vests.

(j) Fire detecting and aextinguishing equipment.

(k) Pollution prevention equipment.

(l) Sanitary condition.

(m) Fire hazards.

(n) Verification of valid certificates issued by the Federal Communications Commission, if required.

(o) Lights and signals as required by the applicable navigation rules.

§ 126.79 Lifesaving equipment.

At each inspection for certification the following tests and inspections of lifesaving equipment are conducted by the marine inspector:

(a) Each personal flotation device is examined to determine its serviceability. If found to be satisfactory, it is stamped "Passed" together with the date and the port. If not in a serviceable condition, the personal flotation device will be removed from the vessel's equipment.

(b) All other items of lifesaving equipment are examined to determine whether they are in suitable condition.

(c) Inflatable liferafts and hydraulic releases are checked to determine whether they have been serviced in accordance with § 129.88 of this subchapter.

§ 126.82 Fire extinguishing equipment.

At each inspection for certification the marine inspector determines whether the tests and inspections required by § 130.34 of this subchapter have been performed.

§ 126.85 Dry bulk cargo tanks.

(a) Except as provided in paragraph (b) of this section, dry bulk cargo tanks that are pressure vessels are inspected in accordance with § 61.10–5(b) of this chapter.

(b) In lieu of the biennial inspection required by § 61.10–5(b), dry bulk cargo tanks are inspected during the inspection for certification.

§126.88 Marine engineering equipment.

(a) Except as provided in this section, the inspection procedures for marine engineering systems contained in Subchapter F of this chapter must be followed.

(b) In lieu of the biennial tests required in § 61.10–5(b) and (d) of this chapter, each Class I, I–L, II, and II–L unfired pressure vessel, except those specified in § 61.10–5(e) of this chapter, must be internally inspected or hydrostatically tested to 1¼ times the

maximum allowable working pressure (MAWP) at least every three years.

(c) In lieu of the tailshaft survey interval required by § 61.20-15 of this chapter, the requirements of § 126.16 must be met.

§ 126.91 Tanks containing dangerous cargoes.

For inspection and tests of tanks containing certain dangerous cargoes in bulk, see Subparts 98.30 and 98.35 of this chapter.

Subpart E—Reinspection

§ 126.94 When made.

(a) At least one reinspection must be made by a marine inspector on each vessel holding a certificate of inspection.

(b) This inspection is made, where possible, between the fifteenth and twenty-first month of the period for which the certificate is valid.

(c) The owner, operator, or master must contact the OCMI to arrange for this inspection but no written application is required.

§ 126.97 Scope of reinspection.

In general, the scope of the reinspection is the same as that described in § 126.76 for the inspection for certification.

PART 127—CONSTRUCTION AND ARRANGEMENTS

Subpart A—Plan Approval

Sec.
127.1 General.
127.4 Plans and specifications required for new construction.
127.7 Procedure for submittal of plans.

Subpart B—Construction and Arrangements

127.10 Structural standards.
127.13 General fire protection.
127.16 Means of escape.
127.19 Ventilation for closed spaces.
127.22 Ventilation for quarters and accommodation spaces.
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127.28 Construction and arrangement of crew and offshore worker spaces.

Subpart C—Rails and Guards

127.31 Where rails required.
127.34 Storm rails.
127.37 Guards in dangerous places.

Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96-378, 94 Stat. 1513 (46 U.S.C. 404-1); R.S. 4462, as amended (46 U.S.C. 416); § 1, Pub. L. 86-244, 73 Stat. 475 (46 U.S.C. 481); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—Plan Approval

§ 127.1 General.

(a) Except as provided in paragraphs (b) and (c) of this section, the plans listed in § 127.4 must be submitted for approval after an Application for Inspection is made in accordance with the provisions of § 126.55 of this subchapter.

(b) If a vessel is to be classed by the American Bureau of Shipping, the Coast Guard will accept ABS's approval of certain plans without submittal to the Coast Guard. See Navigation and Vessel Inspection Circular No. 10-82 entitled "Acceptance of Plan Review and Inspection Tasks Performed by the American Bureau of Shipping for New Construction or Major Modifications of U.S. Flag Vessels."

(c) If a vessel is to be classed by a recognized classification society other than the American Bureau of Shipping and the requirements in § 126.58(c) of this subchapter are complied with, plans may be submitted for approval to—

(1) The Coast Guard in accordance with paragraph (a) of this section or

(2) The American Bureau of Shipping in accordance with paragraph (b) of this section.

§ 127.4 Plans and specifications required for new construction.

Each applicant for an original certificate of inspection and approval of plans must submit three copies of the following plans:

(a) *General.*

(1) Specifications.

(2) General Arrangement Plans.

(3) Safety Plan (Fire Control Plan).

(4) Lifesaving Equipment Plan.

(b) *Hull structure.*

(1) Midship Section.

(2) Booklet of Scantling Plans.

(3) Arrangement of Ports, Doors, and Airports.

(4) Hatch Coamings and Covers in Weather and Watertight Decks.

(5) Scuppers and Drains Penetrating Shell Plating.

(6) Booklet of Standard Details.

(c) *Subdivision and stability.*

For plans required for subdivision and stability, see Subchapter S of this chapter.

(d) *Marine engineering.*

(1) Piping diagrams of all Class I systems.

(2) Piping diagrams of the following Class II systems:

(i) Fuel oil service, transfer and fill systems.

(ii) Fire main, CO_2, and Halon systems.

(iii) Bilge systems.

(iv) Ballast systems.

(v) Through hull penetrations and shell connections.

(3) Steering and steering control systems.

(4) Propulsion and propulsion control systems.

(5) Piping diagrams of all systems containing flammable or combustible liquids with a flash point of less than 200 degrees F. as determined by an acceptable test method under 49 CFR 173.115(d), and all other hazardous liquids including:

(i) Cargo oil systems.

(ii) Combustible drilling fluid systems (e.g. oil based liquid mud).

(iii) Cargo transfer systems for portable tanks.

(e) *Electrical engineering.*

(1) For each vessel of less than 100 gross tons, the following plans must be submitted:

(i) Arrangement of electrical equipment (plan and profile) with equipment identification as necessary to show compliance with the regulations in this subchapter.

(ii) Electrical one line diagram that includes wire types and sizes, overcurrent device rating and setting, and electrical equipment enclosure type (dripproof, watertight, etc.).

(2) For each vessel of 100 gross tons and over, the plans required by § 110.25 of this chapter must be submitted.

(f) *Automation.* For each vessel of 100 gross tons and over requesting a reduction in the engine department manning level in accordance with Part 133 of this subchapter, the following plans must be submitted:

(1) Plans and calculations necessary to demonstrate compliance with Part 133 of this subchapter.

(2) Automation test procedure; and

(3) Operations manual.

§ 127.7 Procedure for submittal of plans.

(a) The plans, information, and calculations required by this part must be submitted to one of the following:

(1) The Marine Inspection Office, in the zone where the vessel is to be built or altered.

(2) One of the following Merchant Marine Technical field offices:

(i) Commander(mmt), 3rd Coast Guard District, Governors Island, New York, NY 10004, for the geographical area covered by the 1st, 3rd, and 5th Coast Guard Districts.

(ii) Commander(mmt), 8th Coast Guard District, Room 845, F. Edward Hebert Building, 600 South St., New Orleans, La. 70130, for the geographical area covered by the 2nd, 7th, and 8th Coast Guard Districts.

(iii) Commander(mmt), 9th Coast Guard District, 1240 East 9th St., Cleveland, OH. 44199 for the geographical area covered by the 9th Coast Guard District.

(iv) Commander(mmt), 12th Coast Guard District, Government Island, Building 51, Alameda, Ca. 94501, for the geographical area covered by the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

(3) The American Bureau of Shipping, 65 Broadway, New York, N.Y., 10006 for plans submitted in accordance with § 127.01 (b) or (c).

(b) If a vessel is to be constructed, altered, or repaired outside of the United States, the owner or operator must contact Commandant (G-MVI), 2100 2nd Street, S.W., Washington, D.C. 20593 for a determination as to the office to which plans should be submitted.

Subpart B—Construction and Arrangements

§ 127.10 Structural standards.

(a) Except as provided in paragraphs (b) and (d) of this section, compliance with the structural standards established by the American Bureau of Shipping is required. The standards in effect at the time of construction must be used.

(b) In the case of aluminum vessels, construction of a vessel to the standards in Navigation and Vessel Inspection Circular No. 11-80 is also acceptable.

(c) When submitting the plans required by § 127.1, the standard used in the design of the vessel should be specified.

(d) If no established design standard is used, detailed design calculations must be submitted with the plans required by § 127.1.

§ 127.13 General fire protection.

(a) Each vessel must be designed to minimize fire hazards insofar as is reasonable and practicable.

(b) Internal combustion engine exhausts, galley uptakes, and similar sources of ignition must be kept clear of and insulated from any woodwork and other combustible matter.

(c) Paint lockers and similar compartments must be constructed of steel or must be wholly lined with metal.

(d) Except as provided in paragraph (e) of this section, when a compartment containing the emergency source of electric power, or vital components thereof, adjoins a space containing either the ship's service generators or machinery necessary for the operation of the ship's service generators, all common bulkheads and decks must be of "A-60" Class construction as defined by § 72.05-10 of this chapter.

(e) The "A-60" Class construction required by paragraph (d) need not be installed if the emergency source of power is contained in a small ventilated battery locker that is—

(1) Located above the main deck;

(2) Located in the open; and

(3) Has no boundaries contiguous with other decks or bulkheads.

§ 127.16 Means of escape.

(a) There must be at least two means of escape from each space—

(1) That is accessbile to offshore workers; or

(2) Where the crew may be quartered or normally employed.

(b) At least one of the two means of escape must—

(1) Be independent of watertight doors in bulkheads required by Part 128 of this chapter to be watertight; and

(2) Lead as directly to the open deck as practicable.

(c) The two means of escape required by paragraph (a) of this section must be as remote as practicable from each other so as to minimize the possibility of one incident blocking both escapes.

(d) Except as provided in paragraph (e) of this section, a vertical ladder and deck scuttle may not be designated as one of the means of escape required by paragraph (a) of this section.

(e) A vertical ladder and deck scuttle may be used as the second means of escape if—

(1) The primary means of escape is a stairway;

(2) The installation of two stairways is impracticable;

(3) The scuttle is located where stowed deck cargo could not interfere; and

(4) The scuttle is fitted with a quick-acting release and a hold-back to hold the scuttle in the open position.

(f) No means may be provided for locking doors giving access to either of the two required means of escape, except that crash doors or locking devices, capable of being easily forced in an emergency, may be employed provided a permanent and conspicuous notice to this effect is attached to both sides of the door. This paragraph does not apply to an outside door to a deckhouse if the door is locked only by a key that is under the control of one of the vessel's officers.

(g) Each stairway must be of sufficient width to provide an effective escape route for the number of persons having access to those stairs.

(h) Each interior stairway, other than one within the machinery spaces or cargo holds, must have a minimum width of 28 inches and the angle of inclination of the starway with the horizontal must not exceed 50 degrees.

(i) Dead end corridors, or the equivalent, more than 40 feet in length are not permitted.

(j) Vertical access must be provided between the various weather docks by means of permanent inclined ladders. The angle of inclination of these ladders with the horizontal must not exceed 70 degrees.

§ 127.19 Ventilation for closed spaces.

(a) All enclosed spaces within the vessel must be properly vented or ventilated. Means must be provided to close off all vents and ventilators.

(b) On vessels of 100 gross tons and over, means must be provided for stopping all fans in ventilation systems serving machinery and cargo spaces and for closing all doorways, ventilators and annular spaces around funnels and other openings to such spaces, from outside these spaces, in case of fire.

§ 127.22 Ventilation for quarters and accommodation spaces.

(a) All quarters and accommodation spaces must be adequately ventilated in a manner suitable to the purpose of the space.

(b) Each vessel of 100 gross tons and over must be provided with a mechanical ventilation system unless it can be shown to the satisfaction of the OCMI that a natural system, such as through the opening of windows, ports, doors, etc., will provide adequate ventilation in all ordinary weather conditions.

§ 127.25 Location of quarters and accommodation spaces.

(a) Crew and offshore worker quarters must not be located farther forward in the vessel than a vertical plane located at 5 percent of the vessel's LLL abaft the forward side of the stem at the deepest load waterline.

(b) Except as provided in paragraph (c) of this section, no section of the deck of crew or offshore worker quarters or accommodation spaces may be below the deepest load waterline.

(c) The deck of crew or offshore worker quarters or accommodation spaces may be below the deepest load waterline if—

(1) The vessel complies with the damage stability requirements in § 128.16 of this subchapter; and

(2) The deck head of the space is not below the deepest load waterline.

(d) A hawse pipe or chain pipe must not pass through crew or offshore worker quarters.

(e) There must be no direct access, except through solid close-fitted doors or hatches between crew or offshore worker quarters and accommodation spaces and chain lockers, cargo, or machinery spaces.

(f) There must be no access, vents, or sounding tubes from fuel or cargo oil tanks opening into crew or offshore worker quarters and accommodation spaces, except that sounding tubes and access openings may be located in corridors.

(g) Crew quarters must be located entirely separate and independent of quarters and accommodation spaces accessible to offshore workers unless an alternative arrangement is approved by the OCMI.

§ 127.28 Construction and arrangement of crew and offshore worker spaces.

(a) Each crew member and offshore worker must be provided with quarters and accommodation spaces of sufficient size, adequate construction, and with suitable equipment to provide for their protection and accommodation in a manner practicable for the size, facilities, and service of the vessel.

(b) A seat must be provided for each offshore worker carried. If the intended operation of the vessel is to carry offshore workers on board for more than 12 hours duration, berths or the equivalent of aircraft style seats must be provided.

(c) The boundary bulkheads and decks separating crew and offshore worker quarters from machinery spaces must be of "A" Class construction as defined by § 92.07-5 of this chapter.

(d) The OCMI determines and records on the vessel's certificate of inspection the number of offshore workers that may be carried after reviewing the arrangement drawings required by § 127.4.

(e) If during the life of the vessel it comes to the attention of the OCMI that the spaces provided for crew or offshore workers are inadequate for the actual or intended operation of the vessel, and if in the judgment of the OCMI the safety of the vessel or personnel on board is endangered, the OCMI may reduce the number of offshore workers permitted or may impose additional requirements.

Subpart C—Rails and Guards

§ 127.31 Where rails required.

(a) Each vessel must have efficient guard rails or bulwarks on decks and bridges. The height of rails or bulwarks must be at least 39½ inches from the deck except that where this height would interfere with the normal operation of the vessel, a lesser height may be approved by the OCMI.

(b) At exposed peripheries of the freeboard and superstructure decks, the rails must consist of at least three courses, including the top. The opening below the lowest course must not be more than 9 inches. The courses must not be more than 15 inches apart. On other decks and bridges the rails must be in at least two courses, including the top, approximately evenly spaced.

(c) If it can be shown to the satisfaction of the OCMI that the installation of rails of the required height is unreasonable and impracticable, rails of a lesser height or in some cases grab rails may be accepted, and inboard rails may be eliminated if the deck is not generally accessible.

§ 127.34 Storm rails.

Suitable storm rails must be installed in all passageways and at the deckhouse sides where persons on board have normal access.

§ 127.37 Guards in dangerous places.

Suitable hand covers, guards, or rails must be installed in way of all exposed and dangerous places such as gears, machinery, etc.

PART 128—WATERTIGHT INTEGRITY AND STABILITY

Subpart A—Stability

Sec.
128.1 General.
128.4 Intact stability requirements.

Subpart B—Watertight Integrity

128.7 Collision bulkhead.
128.10 Machinery space bulkheads.
128.13 Machinery space damage stability.
128.16 Additional damage stability requirements.
128.19 Watertight bulkhead doors.
128.22 Drainage of weather decks.
128.25 Hatches and coamings.
128.28 Hull penetrations and shell connections.

Authority: R.S. 4405, as amended (46 U.S.C. 375); 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96-378, 94 Stat. 1513 (46 U.S.C. 404-1); R.S. 4462, as amended (46 U.S.C. 416); 6, 80 Stat. 938 (49 US.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—Stability

§ 128.1 General.

Except as provided in § 128.4 and § 128.19, each offshore supply vessel must meet the requirements in Parts 170 and 173 of this chapter.

§ 128.4 Intact stability requirements.

(a) In each condition of loading and operation, each vessel must be shown by design calculations to meet the requirements of either § 170.173 of this chapter or paragraphs (b) through (h) of this section.

(b) The area under each righting arm curve must be at least 15 foot-degrees up to the smallest of the folllowing angles:

(1) The angle of maximum righting arm.

(2) The downflooding angle.

(3) 40 degrees.

(c) The downflooding angle must not be less than 20 degrees.

(d) The righting arm curve must be positive to at least 40 degrees.

(e) The freeboard at the stern must be at least equal to the minimum freeboard calculated in accordance with Subchapter E of this chapter or the value taken from Table 128.4, whichever is less.

(f) For the purpose of this section, the downflooding angle means the static angle from the intersection of the vessel's centerline and waterline in calm water to the first opening that cannot be closed weathertight, or which must remain open for the operation of the vessel, and through which downflooding can occur.

(g) For the purpose of this section, at each angle of heel, a vessel's righting arm may be calculated considering either—

(1) The vessel is permitted to trim free until the trimming moment is zero; or

(2) The Vessel does not trim as it heels.

(h) For the purpose of paragraph (g) of this section, the method of calculating righting arms chosen must be used for all calculations.

TABLE 128.4.—MINIMUM FREEBOARD AT THE STERN

LBP (feet)	Stern freeboard (inches)
Less than 65	12
65 but less than 100	15
100 but less than 130	18
130 but less than 155	20
155 but less than 190	22
190 but less than 230	24
230 and greater	26

Subpart B—Watertight Integrity

§ 128.7 Collision bulkhead.

(a) Each vessel must have a collision bulkhead that complies with this section.

(b) Except as provided in paragraph (g) of this section, the portion of the collision bulkhead that is below the bulkhead deck must be watertight and have no openings in it.

(c) Each portion of the collision bulkhead must be at least 5 percent of

the LBP aft of the forward perpendicular.

(d) The collision bulkhead must be no more than 10 feet plus 5 percent of the LBP aft of the forward perpendicular.

(e) The collision bulkhead must extend to the deck above the bulkhead deck if the vessel has a superstructure that extends from a point forward of the collision bulkhead to a point at lest 15% of the LBP aft of the collision bulkhead.

(f) The collision bulkhead required by paragraph (e) of this section must have the following characteristics:

(1) The portion of the collision bulkhead above the bulkhead deck must be weathertight.

(2) If the portion of the collision bulkhead above the bulkhead deck is not located directly above the collision bulkhead below the bulkhead deck, then the bulkhead deck between must be weathertight.

(g) Piping penetrations in the collision bulkhead must be kept to a minimum and where fitted must meet the requirements in § 56.50-1(b)(1) and (c) of this chapter and § 131.19 of this subchapter.

§ 128.10 Machinery space bulkheads.

(a) The machinery space bulkheads of each vessel must be watertight to the bulkhead deck.

(b) Except as provided in paragraph (d) of this section, penetrations and openings in machinery space bulkheads must—

(1) Be kept as high and as far inboard as practicable; and

(2) Except as provided in paragraph (c) of this section, have means to make them watertight.

(c) Penetrations for ventilation ducting need not have means available to make the bulkhead watertight if—

(1) All portions of the ducting are located a distance of at least one-fifth the beam of the vessel from the side of the vessel; and

(2) The ducting is continuously watertight from the penetration to the main deck.

(d) Watertight doors may be installed in machinery space bulkheads in accordance with § 128.19.

(e) Piping pentrations in the machinery space bulkheads must be made in accordance with § 131.19 of this subchapter.

§ 128.13 Machinery space damage stability.

Each vessel must be shown by design calculations to meet the requirements in § 128.16 (c) through (f) in each condition of loading and operation assuming damage between the watertight bulkheads, required in § 128.10.

§ 128.16 Additional damage stability requirements.

(a) *Calculations.* Each vessel carrying more than 16 offshore workers must be shown by design calculations to meet the survival conditions in paragraph (e) of this section in each condition of loading and operation assuming the damage specified in paragraph (b) of this section.

(b) *Character of damage.* (1) Calculations must show that the vessel can survive damage at any location other that to a transverse watertight bulkhead unless—

(i) The transverse watertight bulkhead is located closer than the longitudinal extent of damage specified in Table 128.16(a) to the adjacent transverse watertight bulkhead; or

(ii) The transverse watertight bulkhead has a step or recess that is longer than 10 feet and the step or recess is located within the transverse extent of damage specified in Table 128.16(a).

(2) If paragraph (b)(1)(ii) of this section requires a transverse watertight bulkhead to be damaged, the stepped or recessed portion of the bulkhead must be considered to be damaged in doing the calculations required in paragraph (a) of this section.

(c) *Extent of damage.* For the purpose of paragraph (a) of this section, damage must consist of the penetrations having the dimensions given in Table 128.16(a) except that, if the most disabling penetrations are less than the penetrations described in this paragraph, the smaller penetrations must be assumed.

(d) *Permeability of spaces.* When doing the calculations required in paragraph (a) of this section, the permeability of a floodable space must be as listed in Table 128.16(b).

(e) *Survival conditions.* A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(1) *Final waterline.* The final waterline, in the final condition of sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, a tonnage opening, or an opening that is closed by means of a weathertight door or hatch cover. This opening does not include an opening closed by a—

(i) Watertight manhole cover;

(ii) Flush scuttle;

(iii) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(iv) Watertight door meeting the requirements in § 128.19; or

(v) Side scuttle of the non-opening type.

(2) *Heel angle.* The maximum angle of heel must not exceed 15 degrees.

(3) *Range of stability.* Through an angle of 20 degrees beyond its position of equilibrium after flooding, a vessel must meet the following conditions:

(i) The righting arm curve must be positive.

(ii) The maximum righting arm must be at least 4 inches.

(iii) Each submerged opening must be weathertight.

(4) *Progressive flooding.* Pipes, ducts, or tunnels within the assumed extent of damage must be either—

(i) Equipped with arrangements, such as stop check valves, to prevent progressive flooding to other spaces with which they connect; or

(ii) Assumed in the design calculations required in paragraph (a) of this section to permit progressive flooding to the spaces with which they connect.

(f) *Buoyancy of superstructure.* For the purpose of paragraph (a) of this section, the buoyancy of any superstructure directly above the side damage is to be disregarded. The unflooded parts of superstructures beyond the extent of damage may be taken into consideration if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place.

TABLE 128.16(a).—EXTENT OF DAMAGE

Collision Penetration	
Longitudinal extent (Vessels with LBP not greater than 143 feet).	.1L or 6 feet whichever is longer.
Longitudinal extent (Vessels with LBP greater than 143 feet).	(10 feet + .03L) or 35 feet whichever is shorter.
Transverse extent	B/5.
Vertical extent	From the baseline upward without limit.

(1) B = the maximum beam of the vessel measured at or below the deepest load waterline.

(2) The transverse penetration is applied inboard from the side of the vessel, at right angles to the centerline, at the level of the deepest load waterline.

TABLE 128.16(b).—PERMEABILITY

Spaces and tanks	Permeability
Storeroom	60 percent.
Accommodation	95 percent.
Machinery	85 percent.
Voids and passageways	95 percent.
Consumable liquid tanks	95 percent or 0*.
Dry bulk tanks	95 percent of 0*.
Other liquid tanks	95 percent or 0**.

*Whichever results in the more disabling condition.

**If tanks are partially filled, the permeability must be determined from the actual density and amount of liquid carried.

§ 128.19 Watertight bulkhead doors.

(a) This section applies to each vessel with watertight doors in bulkheads that have been made watertight to comply with the requirements in this subchapter.

(b) Except as provided in paragraph (c) of this section, watertight doors must meet the requirements in Subpart H of Part 170 of this chapter.

(c) A Class 1 door may be installed in any location if—

(1) The door has a quick action closing device operative from both sides of the door;

(2) The door is designed to withstand a head of water equivalent to the depth from the sill of the door to the bulkhead deck but in no case less than 10 feet; and

(3) There is an indicator on the vessel's bridge indicating if the door is open.

(d) Watertight doors must be marked in accordance with the requirements in § 135.139 of this subchapter.

(e) If a Class 1 door is installed, a restriction is placed in the vessel's stability letter requiring the master to ensure that the door is closed at all times except when being used for access.

§ 128.22 Drainage of weather decks.

(a) The weather deck of each vessel must have freeing ports, where bulwarks are fitted, or open rails to allow rapid clearing of water under all weather conditions.

(b) Each vessel that is fitted with bulwarks must have freeing ports that comply with the requirements of § 42.15–70 of this chapter.

§ 128.25 Hatches and coamings.

(a) Each hatch exposed to the weather must be watertight, except that the following hatches may be weathertight:

(1) Each hatch on a watertight trunk that extends at least 12 inches above the weather deck.

(2) Each hatch in a cabin top.

(b) Each hatch cover must—

(1) Have securing devices; and

(2) Be attached to the hatch frame or coaming by hinges, captive chains, or other devices to prevent its loss.

(c) Each hatch that provides access to crew or offshore worker quarters and accommodation spaces must be capable of being opened and closed from either side.

(d) Except as provided in paragraph (e) of this section, a weathertight door with permanent watertight coamings at least 6 inches in height must be provided for each opening located in a deck house or companionway that—

(1) Gives access into the hull; and

(2) Is located in an exposed location.

(e) If an opening in a location specified in paragraph (d) of this section is provided with a Class 1 watertight door, the height of the watertight coaming need only be sufficient to accommodate the door.

§ 128.28 Hull penetrations and shell connections.

Except for engine exhausts, each over board discharge and shell connection must comply with the requirements in § 56.50–95 and § 131.19 of this chapter.

PART 129—LIFESAVING EQUIPMENT

Subpart A—General Provisions

Sec.
129.1 Equipment of an approved type.
129.4 Equipment installed but not required.
129.7 Primary lifesaving equipment.

Subpart B—Types of Primary Lifesaving Equipment

129.10 Lifeboats.
129.13 Inflatable liferafts.
129.16 Life floats.

Subpart C—Required Equipment

129.19 Primary lifesaving equipment.
129.22 Rescue boat.
129.25 Emergency Position Indicating Radiobeacon (EPIRB).
129.28 Ship's distress signals.

Subpart D—Stowage of Inflatable Liferafts, Life Floats, and Rescue Boats

129.31 General.
129.34 Stowage.

Subpart E—Equipment for Lifeboats, Inflatable Liferafts and Life Floats

129.40 General.
129.43 Required equipment for lifeboats.
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Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96–378, 94 Stat. 1513 (46 U.S.C. 404–1); R.S. 4462, as amended (46 U.S.C. 416); § 1, Pub. L. 86–244, 73 Stat. 475 (46 U.S.C. 481); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General Provisions

§ 129.1 Equipment of an approved type.

(a) Equipment that is required by this part to be of an approved type must be specifically approved by the Commandant. Commandant approvals are published in the **Federal Register** and are contained in Coast Guard publication "Equipment Lists," COMDTINST M16714.3 (old CG–190).

(b) Specifications for many of the items required to be of an approved type have been promulgated and are contained in Subchapter Q of this chapter. In general, those specifications are of interest only to the manufacturer of specific items of equipment.

§ 129.4 Equipment installed but not required.

Each item of lifesaving equipment that is installed but not required must be of an approved type or have specific approval of the Commandant.

§ 129.7 Primary lifesaving equipment.

The term "primary lifesaving equipment" means a lifeboat or an acceptable substitute. Life preservers and ring life buoys are not considered to be primary lifesaving equipment.

Subpart B—Types of Primary Lifesaving Equipment

§ 129.10 Lifeboats.

The construction and installation of each lifeboat must meet the requirements of Part 94 of this chapter.

§ 129.13 Inflatable liferafts.

(a) Each inflatable liferaft must be of a type approved under Subpart 160.051 of this chapter.

(b) The inflatable liferaft must be marked in accordance with § 160.051–8 of this chapter.

(c) The inflatable liferaft must show on or near the liferaft's nameplate, and the liferaft's container must show on or near the plate, marking approved by a Coast Guard inspector that is—

(1) An approval number consisting of "160.051/" followed by a number that is greater than 49 followed by a revision number (e.g. 160.051/50/1); or

(2) An approval number consisting of "160.051/" followed by a nuimber that is

smaller than 50 that is followed by a revision number (e.g. 160.051/48/1), the words "MOD. TEMP", a Coast Guard inspector's initials and the date that an inspector found that the liferaft met § 160.051-5(c)(4) of this chapter.

(d) Each inflatable liferaft must have a carrying capacity of not less than 6 nor more than 25 persons.

§ 129.16 Life floats.

Each life float must be of a type approved under Subpart 160.027 of this chapter.

Subpart C—Required Equipment

§ 129.19 Primary lifesaving equipment.

(a) Except as provided in paragraph (b) and paragraph (c) of this section, each vessel must be provided with sufficient lifeboats to accommodate all persons on board. In addition, the vessel must have sufficient inflatable liferafts to accommodate all persons on board.

(b) In lieu of the equipment required in paragraph (a) of this section, a vessel may provide inflatable liferafts on each side of the vessel. The inflatable liferafts on each side must be of a sufficient number to accommodate all persons on board. If the distance from the deck from which the inflatable liferafts are boarded to the waterline at the vessel's lightest operating draft exceeds 15 feet, the inflatable liferafts must be davit launched.

(c) Each vessel operating exclusively on the continental shelf of the United States in the Gulf of Mexico may carry life floats of a combined capacity to accommodate all persons on board in lieu of the lifeboats and inflatable liferafts required in paragraph (a) or paragraph (b) of this section.

§ 129.22 Rescue boat.

(a) Except as provided in paragraphs (e) and (f) of this section, each vessel must be provided with a rescue boat.

(b) The rescue boat must be a small lightweight boat capable of being readily launched and easily maneuvered.

(c) The rescue boat must be of—

(1) Rigid construction with built-in buoyancy; or

(2) Inflatable construction, with buoyancy tubes that are arranged so that if one buoyancy compartment is damaged, the intact compartments will maintain the boat with positive freeboard over the rescue boat's entire periphery.

(d) The rescue boat must be of adequate proportion to permit taking an unconscious person on board without capsizing. The rescue boat and its installation must be acceptable to the OCMI as suitable for the rescue of persons accidentally falling over the side, or for similar emergency purposes. The size, shape, installation, and other factors of suitability will be determined with due consideration of the size, arrangment, intended service, and crew requirements of the vessel on which it is to be installed.

(e) A rescue boat is not required for a vessel equipped with a lifeboat.

(f) A rescue boat is not required if—

(1) In the opinion of the OCMI, the vessel is arranged to allow a helpless person to be recovered from the sea;

(2) Recovery of the helpless person can be observed from the navigating bridge; and

(3) The vessel does not regularly engage in operations that restrict its maneuverability.

§ 129.25 Emergency position indicating radiobeacon (EPIRB).

(a) Except as provided in paragraph (b) of this section, each vessel must have an approved Class A emergency position indicating readiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a vessel that—

(1) Carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Has a certificate of inspection endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

§ 129.28 Ship's distress signals.

(a) Each vessel of 150 gross tons and over must carry 12 handheld rocket-propelled parachute red flare distress signals approved under Subpart 160.036 of this chapter.

(b) Each vessel of less than 150 gross tons must carry six hand red flare distress signals and six hand orange smoke distress signals or 12 hand combination flare and smoke distress signals approved under Subparts 160.037 or Subpart and 160.023 of this chapter.

(c) Distress signals must be carried within the pilothouse or on the navigators, bridge in a portable watertight container.

(d) The service use of a distress signal is limited to the expiration date on the signal. Replacement of outdated items must be made at the first port of arrival in the United States where distress signals are available, except that replacement must be made in all cases within 12 months after the date of expiration.

Subpart D—Stowage of Inflatable Liferafts, Life Floats, and Rescue Boats

§ 129.31 General.

Each inflatable liferaft, life float, and rescue boat must be readily available in the case of emergency, and must be kept in good working order and available for immediate use at all times when the vessel is being navigated and, insofar as is reasonable and practicable, while the vessel is not being navigated.

§ 129.34 Stowage.

(a) *General.* Inflatable liferafts, life floats, and rescue boats must be stowed in a manner that—

(1) Permits launching in the shortest possible time so as to allow all persons on board to abandon the vessel within ten minutes from the time the signal to abandon is given;

(2) Does not impede the launching or handling of other lifesaving equipment;

(3) Does not impede the marshalling of persons at the embarkation stations, or their embarkation; and

(4) Permits them to be put in the water safely and rapidly even under unfavorable conditions of list and trim.

(b) *Inflatable liferaft stowage.* Inflatable liferafts must be stowed so that they will float free in the event of the vessel sinking. Stowage and launching arrangements must be to the satisfaction of the OCMI.

(c) *Life float stowage.* (1) Each life float must be secured to the vessel by a painter and by a float-free link that is—

(i) Certified to meet Subpart 160.073 of this chapter;

(ii) Of proper strength for the size of the life float as indicated on its identification tag; and

(iii) Secured to the painter at one end and secured to the vessel on the other end.

(2) The means by which the float-free link is attached to the vessel must—

(i) Have a breaking strength of at least the breaking strength of the painter;

(ii) If synthetic, be of a dark color or of a type certified to be resistant to deterioration from ultraviolet light; and

(iii) If metal, be corrosion resistant.

(3) If the life float does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device;

(ii) Will not slip off;

(iii) Has a breaking strength that is at least the breaking strength of the painter; and

(iv) If synthetic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) The float-free link described in paragraphs (c)(1) and (c)(2) of this section is not required if the vessel operates solely in waters that have a depth less than the length of the painter.

(5) If the vessel carries more than one life float, the life floats may be grouped and each group secured by a single painter, provided that—

(i) The combined weight of each group of life floats does not exceed 400 pounds;

(ii) Each life float is individually attached to the painter by a line that meets §§ 129.52(c)(2) and 129.52(c)(3) and which is long enough so that each can float without contacting any other life float in the group; and

(iii) The strength of the float-free link under paragraph (c)(1)(ii) of this section and the strength of the painter under § 129.52(c)(2) is determined by the combined capacity of the group of life floats.

(6) Each life float, as stowed, must be capable of easy launching. Life floats over 400 pounds must not require lifting before launching.

(7) Life floats must not be secured to the vessel except by the painter and by lashings that can be easily released or by hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(8) There must be means to prevent shifting.

(d) Each hydraulic release used in the installation of any inflatable liferaft or life float must meet Subpart 160.062 of this chapter.

Subpart E—Equipment for Lifeboats, Inflatable Liferafts and Life Floats

§ 129.40 General.

(a) Equipment for lifeboats, inflatable liferafts and life floats must be of good quality, efficient for the purpose they are intended to serve, and kept in good condition.

(b) Each lifeboat, inflatable liferaft and life float must be fully equipped before the vessel is navigated and the equipment must remain in them throughout the voyage.

(c) Only equipment required by this subpart may be stowed in a lifeboat, inflatable liferaft or life float unless the equipment can be properly stowed so as not to reduce the seating capacity or space available to the occupants and so as not to adversely affect the seaworthiness of the lifeboat, inflatable liferaft or life float.

(d) Loose equipment must be securely attached to the lifeboat, inflatable liferaft of life float to which it belongs.

§ 129.43 Required equipment for lifeboats.

Each lifeboat must be equipped as specified in § 94.20-10 of this chapter.

§ 129.46 Required equipment for inflatable liferafts.

Each inflatable liferaft must be equipped with ocean service equipment in accordance with Subpart 160.051 of this chapter.

§ 129.49 Required equipment for life floats.

Each life float must be equipped in accordance with Table 129.49. For a description of the items contained in this table, and the units comprising the items, see the applicable paragraphs of § 129.52.

TABLE 129.49

Item	Number required for each life float
Boathook	1
Paddles	2
Painter	1
Water light [1]	1

[1] Life floats with a capacity of 24 persons or less are not required to have a water light.

§ 129.52 Description of equipment for life floats.

(a) *Boathook.* Boathooks must be of the single hook ball point type. Boathook handles must be of clear grained white ash, or equivalent, not less than 6 feet long and 1½ inches in diameter.

(b) *Paddles.* Paddles must be not less than 5 feet long.

(c) *Painter.* The painter must—

(1) Be at least 100 feet long, but not less than 3 times the distance between the deck on which the life floats are stowed and the light draft of the vessel;

(2) Have a breaking strength of at least 1,500 pounds, except that if the capacity of the life float is 50 persons or more, the breaking strength must be at least 3,000 pounds;

(3) Be of a dark color if synthetic, or of a type certified to be resistant to deterioration from ultraviolet light; and

(4) Be stowed in such a way that it runs out freely when the life float floats away from the sinking vessel.

(d) *Water light.* The water light must be of a type approved under Subpart 161.010 of this chapter.

Subpart F—Life Preservers

§ 129.55 General.

Each life preserver must be of a type approved under Subpart 160.002, 160.005, or 160.055 of this chapter.

§ 129.58 Number required.

Each vessel must be provided with an approved life preserver for each person on board. An additional approved life preserver must be provided for each person on watch in the engineroom and pilothouse, and at the bow lookout.

§ 129.61 Distribution and stowage.

(a) *Distribution.* Life preservers must be distributed throughout the cabins, staterooms, berths, and other places convenient for each person on board. The additional number of life preservers required by § 129.58 must be stowed so that they are readily accessible to personnel on watch in the engineroom and pilothouse, and at the bow lookout.

(b) *Stowage.*—(1) Each locker, box, and closet in which life preservers are stowed must not be capable of being locked, must be plainly marked, and the life preservers contained within it must be readily accessible.

(2) Life preservers stowed overhead must be supported so that they can be quickly released and distributed. Where life preservers are stowed at a height greater than 7 feet from the deck below, means must be provided for their immediate release by persons standing on deck.

Subpart G—Exposure Suits

§ 129.64 Applicability.

This subpart applies to each vessel except a vessel that—

(a) Has totally enclosed lifeboats sufficient to accommodate all persons on board; or

(b) Operates on routes between 35 degrees N and 35 degrees S latitude or on the Atlantic Ocean outer continental shelf of the United States south of 38 degrees N latitude.

§ 129.67 Number and type required.

(a) Each vessel must carry an exposure suit for each person on board.

(b) Except as provided in paragraph (c) of this section, additional exposure suits must be provided in the engine room, pilothouse, bow lookout, and each work station. The number of exposure suits provided must be equal to the number of persons normally on watch in, or assigned to, the station at any one time.

(c) An exposure suit need not be provided at a watch or work station for a person who has an exposure suit

stowed in a stateroom or berthing area that is readily accessible to the watch or work station.

(d) Each exposure suit must be of a type approved under Subpart 160.071 of this chapter.

§ 129.70 Distribution and stowage.

Distribution and stowage arrangements for exposure suits must meet the same requirements as for life preservers required by § 129.61.

Subpart H—Personal Flotation Device Lights and Retroreflective Material

§ 129.73 Personal flotation device lights.

(a) Each life preserver and each exposure suit must have a personal flotation device light that is approved under Subpart 161.012 of this chapter.

(b) Each light required by this section must be securely attached to the front shoulder area of the life preserver or exposure suit.

§ 129.76 Retroreflective material.

(a) Each life preserver must have at least 31 square inches of retroreflective material attached on—

(1) Its front side;

(2) Its back side; and

(3) Each of its reversible sides.

(b) Retroreflective material required by this section must be Type I material approved under Subpart 164.018 of this chapter.

(c) The retroreflective material attached to each side of a life preserver must be divided equally between the upper quadrants of the side and the material in each quadrant must be attached as closely as possible to the shoulder area of the life preserver.

Subpart I—Ring Life Buoys and Water Lights

§ 129.79 General.

(a) Each ring life buoy must be of a type approved under Subpart 160.009 or 160.050 of this chapter.

(b) Each water light must be of a type approved under Subpart 161.010 of this chapter.

§ 129.82 Number required.

(a) Each vessel under 100 gross tons must have three approved 24 or 30 inch ring life buoys.

(b) Each vessel of 100 gross tons and over must have six approved 30 inch ring life buoys.

(c) One of the ring life buoys on each side of the vessel must have secured to it a line at least 15 fathoms in length.

(d) Three of the ring life buoys for vessels 100 gross tons and over and two ring life buoys for vessels under 100 gross tons must have water lights attached.

§ 129.85 Distribution and securing.

(a) Each ring life buoy must be placed so as to be readily accessible to the persons on board, and its position plainly indicated.

(b) Each ring life buoy must be capable of being cast loose, and must not be permanently secured in any way.

Subpart J—Miscellaneous Requirements

§ 129.88 Annual servicing of inflatable liferafts and hydraulic releases.

(a) Each inflatable liferaft must be serviced at an approved servicing facility in accordance with the provisions of Subpart 160.051 of this chapter.

(b) Each inflatable liferaft must be serviced at an approved facility every 12 months or not later than the next inspection for certification provided the total time since the date of last servicing does not exceed 15 months. The period for servicing is computed from the date of the last servicing.

(c) Except in emergencies, no servicing may be done aboard vessels.

(d) If at any time external damage is found to the container or straps or if the seal is broken, the OCMI must be notified and the raft must be serviced by an approved servicing facility.

(e) A hydraulic release used as part of the installation of any inflatable liferaft of life float must undergo the periodic servicing and testing required by Subpart 160.062 of this chapter every 12 months or not later than the next inspection for certification provided the total time since the date of last servicing does not exceed 15 months.

(f) The springs of a springs-tensioned gripe used in an installation must be renewed when the accompanying hydraulic release is serviced and tested.

§ 129.91 Embarkation aids into lifeboats, inflatable liferafts, life floats, and rescue boats.

(a) Except as provided in paragraph (b) of this section, sufficient ladders approved under Subpart 160.017 of this chapter or other suitable devices must be provided to facilitate embarkation into waterborne lifeboats, inflatable liferafts, life floats, and rescue boats.

(b) The ladders required in paragraph (a) of this section are not required if the freeboard at the embarkation point is less than 15 feet.

(c) Each vessel must have lights for the illumination of the stowage position of lifeboats, inflatable liferafts, life floats, and rescue boats.

PART 130—FIRE PROTECTION EQUIPMENT

Subpart A—Fire Main System

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Subpart B—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems

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130.25 Fixed fire extinguishing systems.

Subpart C—Miscellaneous

130.28 Fire monitors.
130.31 Equipment installed but not required.
130.34 Annual tests and inspections of fire extinguishing equipment.
130.37 Fire axes.

Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96-378, 94 Stat. 1513 (46 U.S.C. 404-1); R.S. 4462, as amended (46 U.S.C. 416); § 1, Pub. L. 86-244, 73 Stat. 475 (46 U.S.C. 481); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—Fire Main System

130.1 General.

(a) Except as provided in paragraph (b) of this subpart, each vessel must be equipped with a fire main system that complies with this section.

(b) In lieu of complying with the requirements in paragraph (a) of this section, each vessel 65 feet or less in LOD may have a hand operated pump capable of providing an effective stream of water to all parts of the vessel.

(c) In complying with paragraph (b) of this section, three-quarter inch garden hose may be used if the hose is—

(1) Of good commercial grade having an inner rubber tube, plies of braided cotton reinforcement and an outer cover made of rubber or equivalent material; and

(2) Fitted with a commercial garden hose nozzle of good grade bronze or equivalent metal.

§ 130.4 Piping.

(a) All pipe, valves, fittings and flanges must meet the applicable requirements of Part 131 of this subchapter. Piping must be—

(1) Hot dipped galvanized;

(2) At least schedule 80; or

(3) Of a suitable corrosion resistant material.

(b) All distribution cut-off valves must be marked as required by § 135.100 of this subchapter.

§ 130.7 Fire pumps.

(a) Each vessel must be equipped with one power driven fire pump capable of delivering water simultaneously from the two highest outlets at a Pitot tube pressure of at least 50 psi (pounds per square inch) using the minimum orifice size required by § 130.10(h).

(b) Each fire pump must be fitted on the discharge side with a relief valve set to relieve at 25 psi in excess of the pressure necessary to maintain the requirements of paragraph (a) of this section or 125 psi whichever is greater. A relief valve may be omitted if the pump, operating under shut-off conditions, is not capable of developing pressure exceeding this amount.

(c) A pressure gage must be fitted on the discharge side of each fire pump.

(d) The pump required by paragraph (a) of this section may be driven off one of the propulsion engines in a twin engine installation. In a single engine propulsion installation, the pump must be driven by a source of power independent of the propulsion engine.

(e) No branch lines may be connected to the fire main for other than fire, fire monitor, anchor or deck wash purposes. Discharge lines for other purposes must lead from a discharge manifold near the fire pump.

(f) If branch lines are connected to the fire main for fire monitors, they must meet the requirements in § 130.28.

(g) If branch lines are connected to the fire main for anchor wash purposes, the fire pump must be capable of providing the quantity of water required to comply with paragraph (a) of this section while simultaneously providing water to the anchor wash.

(h) The total area of the pipes leading from a pump may not be less than the discharge area of the pump.

(i) In no case may a pump having a connection to an oil line be used as a fire pump.

(j) If two fire pumps are installed, either pump may be used for other purposes provided one pump is kept available for use on the fire main system at all times.

§ 130.10 Fire stations.

(a) Except as provided in paragraph (b) of this section, fire hydrants must be of sufficient number and so located that any part of the vessel accessible to persons on board while the vessel is being navigated and all cargo holds may be reached with at least two effective spray patterns of water from separate outlets. At least one of the spray patterns must be from a single length of hose.

(b) Except as provided in paragraph (c) of this section, all portions of the main machinery spaces must be capable of being reached by at least 2 streams of water, each of which must be from a single length of hose from separate outlets.

(c) For the purpose of this section, a shaft alley is not considered part of the main machinery spaces if it contains no assigned space for the stowage of combustibles.

(d) Each fire hydrant must be numbered as required by § 135.106 of this subchapter.

(e) All parts of the fire main located on exposed decks must either be protected against freezing or be fitted with cut-out valves and drain valves so that the entire exposed parts of the piping may be shut off and drained in freezing weather. Except when closed to prevent freezing, the valves must be sealed open.

(f) The outlets at the fire hydrant must be 1½ inches in diameter and must be positioned so that the hose leads horizontally or downward to minimize the possibility of kinking.

(g) Each fire station hydrant must be equipped with a spanner suitable for use on the hose at that station.

(h) Each fire station hydrant must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter. The nozzle orifice size must be at least ½ inch for vessels less than 100 gross tons and ⅝ inch for vessels 100 gross tons and over.

(i) The pipes and fire station hydrants must be so placed that the fire hose may be easily coupled to them. All hydrants must be so located as to be readily accessible. If deck cargo is carried, it must not interfere with access to the fire station hydrants, and the piping must be arranged as far away from the deck cargo as practicable to avoid risk of damage by the cargo.

(j) Each fire station hydrant or "Y" branch must be equipped with a valve so that the hose may be removed while there is pressure on the fire main.

(k) Each fire station hydrant connection must be brass, bronze, or othe the equivalent metal. Fire hose coupling threads must be 9 threads per inch, the National Standard for 1½ inch hose.

(l) Fire hose must be 1½ inches in diameter, 50 feet in length, and connected to outlets at all times.

(m) Fire hose, when part of the fire equipment, must not be used for any other purpose than fire extinguishing, fire drills, and testing.

(n) A suitable hose rack or other device must be provided. Each hose rack on a weather deck must be located so as to afford protection from heavy seas.

(o) Each section of fire hose must be lined commercial fire hose that conforms to Underwriters' Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the label of Underwriters' Laboratories, Inc. as lined fire hose is acceptable.

Subpart B—Hand Portable Fire Extinguishers and Semiportable Fire Extinguishing Systems

§ 130.13 Classification.

(a) Hand portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol. The letter indicates the type of fire which the unit could be expected to extinguish, and the number indicates the relative size of the unit.

(b) The types of fire are designated as follows:

(1) "A" for fires in ordinary combustible materials where the quenching and cooling effects of quantities of water, or solutions containing large percentages of water, are of first importance.

(2) "B" for fires in flammable liquids, greases, etc., where a blanketing effect is essential.

(3) "C" for fires in electrical equipment where the use of nonconducting extinguishing agent is of first importance.

(c) The number designations for size start with "I" for the smallest to "V" for the largest. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which must be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable and semiportable fire extinguishing systems are set forth in Table 130.13.

TABLE 130.13

Classification		Halon 1211 pounds	Foam, gallons	Carbon dioxide, pounds	Dry chemical, pounds
Type	Size				
A	II		2½		
B	I	2½	1¼	4	2
B	II	10	2½	15	10
B	III		12	35	20
B	IV		20	50	30
B	V		40	100	50
C	I			4	2
C	II			15	10

(d) Each hand portable fire extinguisher and semiportable fire extinguishing system must have a name

plate giving the name of the item, the rated capacity in gallons or pounds, the name and address of the distributor, and the identifying mark of the actual manufacturer. The name plate must be permanently attached to the extinguisher.

(e) Vaporizing-liquid type fire extinguishers containing carbon tetracholoride or chlorobromomethane or other toxic vaporizing liquids are not permitted.

§ 130.16 Location.

(a) Hand portable fire extinguishers approved under Subpart 162.028 of this chapter and semiportable fire extinguishing systems approved under Subpart 162.039 of this chapter must be installed in accordance with Table 130.16. The location of the equipment must be to the satisfaction of the OCMI. Nothing in this paragraph is to be construed as limiting the OCMI from requiring additional equipment as deemed necessary for the proper protection of the vessel.

TABLE 130.16.—HAND PORTABLE FIRE EXTINGUISHER AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS

Space	Classification (see § 130.13)	Quantity and location
SAFETY AREAS		
Communicating corridors.	A-II	1 in each main corridor not more than 150 feet apart. (May be located in stairways.)
Wheelhouse	C-I	2 in vicinity of exit.
SERVICE SPACES		
Galleys	B-II or C-II	1 for each 2,500 square feet or fraction thereof suitable for hazards involved.
Paint lockers	B-II	1 outside space in vicinity of exit.
Accessible baggage and storerooms.	A-II	1 for each 2,500 square feet or fraction thereof located in the vicinity of exits, either inside or outside the spaces.
Work shops and similar spaces.	A-II	1 outside the space in vicinity of exit.
MACHINERY SPACES		
Internal combustion propelling machinery spaces.	B-II	1 for each 1,000 brake horsepower, but not less than 2 nor more than 6.
	B-III	required.[1 2]
Electric propulsive motors or generators of open type.	C-II	1 for each propulsion motor or generator unit.
AUXILIARY SPACES		
Internal combustion.	B-II	1 outside the space in vicinity of exit.[2]
Electric emergency motors or generators.	C-II	1 outside the space in vicinity of exit.[3]

[1] Not required where a fixed carbon dioxide system is installed.

[2] Not required on vessels of less than 300 gross tons if fuel has a flashpoint exceeding 110 degrees F.

[3] Not required on vessels of less than 300 gross tons.

(b) Each semiportable fire extinguishing system must be located in the open so as to be readily visible.

(c) Except as provided in paragraph (d) of this section, a hand portable fire extinguisher must be located in the open or behind glass so as to be readily visible.

(d) A hand portable fire extinguisher may be placed in an enclosure together with the fire hose, provided the enclosure is marked as required by § 135.106 of this subchapter.

(e) Each hand portable fire extinguisher and its station must be numbered in accordance with § 135.109 of this subchapter.

(f) Each hand portable and semi-portable fire extinguisher having a nameplate indicating it is to be protected from freezing must not be located where freezing temperature may be expected.

§ 130.19 Spare charges.

(a) Except as provided in paragraph (b) of this section, spare charges for hand portable fire extinguishers must be carried on board the vessel. The number of spare charges for each classification of extinguisher must be equal to at least 50 percent of the number of extinguishers required to be of that classification by § 130.16.

(b) If extinguishers of a particular classification cannot be readily recharged by the vessel's personnel, one additional extinguisher of that classification must be provided in lieu of the spare charges required by paragraph 9(a) of this section for that classification.

(c) Spare charges must be so packaged as to minimize the hazards to personnel while recharging the units.

§ 130.22 Semiportable fire extinguisher stowage.

(a) The frame or support of each size III, IV, and V fire extinguisher required by Table 130.16 must be welded or otherwise permanently attached to a bulkhead or deck.

(b) If an approved size III, IV, or V fire extinguisher has wheels and is not required by Table 130.16, it must be secured at all times to prevent it from rolling out of control under heavy sea conditions.

§ 130.25 Fixed fire extinguishing systems.

(a) Except as provided in paragraph (b) of this section, a fixed carbon dioxide or other approved system must be installed in each paint locker and any space containing machinery using fuel having a flashpoint of less than 110 degrees F.

(b) A fixed fire extinguishing system need not be installed in a paint locker that is—

(1) Less than 60 cubic feet in volume;

(2) Accessible only from the weather deck; and

(3) Not adjacent to a flammable or combustible liquid tank.

(c) Each fixed extinguishing system installed must meet the requirements in Part 95 of this chapter.

Subpart C—Miscellaneous

§ 130.28 Fire monitors.

(a) Fire monitors that are supplied by the fire main must be fitted with a shut-off valve at the fire monitor and at the fire pump.

(b) All fire monitor piping must meet the requirements in § 130.04.

(c) The fire main system and the fire monitor system must be protected against over pressure.

§ 130.31 Equipment installed but not required.

Installation of fire detection and protection equipment in excess of that required by the regulations in this subchapter is permitted provided that the excess equipment does not endanger the vessel or persons on board in any way. The excess equipment must, at a minimum, be listed and labeled by a nationally recognized testing laboratory.

§ 130.34 Annual tests and inspections of fire extinguishing equipment.

(a) The master must ensure that the tests and inspections described in paragraph (b) of this section are performed—

(1) Every 12 months; or

(2) Not later than the next inspection for certification provided the total time since the date of the last tests and inspections does not exceed 15 months.

(b) The following tests and inspections must be performed as required by paragraph (a) of this section:

(1) Each fixed fire extinguishing system must be checked as noted in Table 130.34(a). In addition, all parts of each fixed fire extinguishing system must be examined for excessive corrosion and general condition.

(2) Each hand portable fire extinguisher and semi-portable fire extinguishing system must be checked as noted in Table 130.34(b). In addition, each hand portable fire extinguisher and semi-portable fire extinguishing system must be examined for excessive corrosion and general condition.

TABLE 130.34(A).—FIXED SYSTEMS

Type system	Test
Foam	Systems utilizing soda solution must have the solution replaced. In all cases, ascertain that powder is not caked.
Carbon dioxide and Halon 1301.	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. (1)

(1) Cylinders must be tested and marked in accordance with the regulations of the Department of Transportation, as required by § 147.04-1 of this chapter.

TABLE 130.34(B).—HAND PORTABLE EXTINGUISHERS AND SEMI-PORTABLE SYSTEMS

Type unit	Test
Foam	Discharge. Clean hose and inside of extinguisher thoroughly. Recharge.
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10 percent of weight of charge. Inspect hose and nozzle to ensure they are clear. (1)
Dry chemical (cartridge-operated type).	Examine pressure cartridge and replace if end is punctured or if otherwise determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see that they are clear. Insert charged cartridge. Be sure dry chemical is free-flowing (not caked) and chamber contains full charge.
Dry chemical (stored pressure type).	See that pressure gage is in operating range. If not, or if seal is broken, weigh or otherwise determine that full charge of dry chemical is in extinguisher. Recharge if pressure is low or if dry chemical is needed.
Halon 1211	See that pressure gage is in operating range. Recharge if pressure is low. If no pressure gage is provided, weigh cylinder. Recharge if weight loss exceeds 10% of weight of charge. Inspect hose and nozzle to ensure they are clear.
Vaporizing liquid (2) (pump type).	Pump a few strokes into clean pail and replace liquid. Keep water out of extinguisher or liquid. Keep extinguisher completely full of liquid.
Vaporizing liquid (2) (stored pressure type).	See that pressure gage is in operating range. Weigh or check liquid level to determine that full charge of liquid is in extinguisher. Recharge if pressure is low or if liquid is needed.

(1) Cylinders must be tested and marked in accordance with the regulations of the Department of Transportation, as required by § 147.04-1 of this chapter.

(2) Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not permitted. (See § 130.13(e).)

(3) On each fire extinguishing system, all piping controls, valves, and alarms must be checked to ascertain that the system is in operating condition.

(4) The fire main system must be operated and the pressure checked at the most remote and highest outlets. All firehose must be subjected to a test pressure equivalent to the maximum pressure to which they may be subjected in service, but not less than 100 psi.

§ 130.37 Fire axes.

(a) One fire axe is required for a vessel of less than 100 gross tons.

(b) Two fire axes are required for a vessel of 100 gross tons and over.

(c) Fire axes must be located so as to be readily available in the event of an emergency.

(d) If a fire axe is not located in the open, or behind glass, so that it may be readily seen, it may be placed in an enclosure together with the fire hose, provided the enclosure is marked as required by § 135.106 of this subchapter.

PART 131—MARINE ENGINEERING EQUIPMENT AND SYSTEMS

Subpart A—General

Sec.
131.1 System and equipment design.
131.4 Plan approval.
131.7 Vital systems.

Subpart B—Material and Pressure Design

131.13 Class II Vital systems—materials.
131.16 Class II Non-Vital systems—materials and pressure design.
131.19 Hull and watertight bulkhead penetrations—materials and pressure design.
131.22 Hydraulic or pneumatic control systems—materials and pressure design.

Subpart C—Main and Auxiliary Machinery

131.31 Fuel.
131.34 Exhaust systems.

Subpart D—Design Requirements Pertaining to Specific Systems

131.40 Ships service refrigeration systems.
131.43 Keel cooler installations.
131.46 Grid cooler installations.
131.49 Bilge systems.
131.52 Liquid mud systems.

Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96-378, 94 Stat. 1513 (46 U.S.C. 404-1); R.S. 4462, as amended (46 U.S.C. 416); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General

§ 131.1 System and equipment design.

(a) Except as provided in this part, the design, installation, inspection, and testing of machinery, pressure vessels and piping systems must comply with the requirements of Subchapter F of this chapter.

(b) This part includes requirements for equipment and systems commonly found on an offshore supply vessel. If additional or unique systems, e.g. steam propulsion, low temperature cargoes, feed water piping, etc. are to be installed, they must meet the requirements of Subchapter F of this chapter.

§ 131.4 Plan approval.

The plans listed in § 127.4(d) of this subchapter may be submitted for approval in lieu of the plans required by Subchapter F of this chapter.

§ 131.7 Vital systems.

(a) For the purpose of this part, the following are Vital systems:

(1) Fuel oil service, transfer and fill systems.

(2) Fire main CO_2, and Halon systems.

(3) Bilge systems.

(4) Ballast systems.

(5) Steering and steering control systems.

(6) Propulsion and propulsion control systems.

(7) Cargo transfer systems for portable tanks.

(8) A marine engineering system identified by the OCMI as being crucial to the survival of the vessel or to the protection of the personnel on board.

(b) For the purpose of this part, a system not identified in paragraph (a) of this section is a Non-Vital system.

Subpart B—Material and Pressure Design

§ 131.13 Class II Vital systems—materials.

In lieu of meeting the requirements in Part 56 of this chapter, materials used in Class II Vital piping systems may be accepted by the Commander (mmt) if proven chemically equivalent to materials selected in accordance with § 56.60 of this chapter.

§ 131.16 Class II Non-Vital systems—materials and pressure design.

(a) Except as provided in § 131.19, a Class II Non-Vital piping system need not comply with the material and pressure design requirements of Subchapter F of this chapter.

(b) Piping for salt water service must be of a corrosion resistant material, hot dip galvanized, or a minimum of Schedule 80 in wall thickness.

(c) Each Class II Non-Vital system must be certified by the builder as suitable for its intended service. This written certification must be submitted with the plans required by § 127.4(d) of this subchapter.

(d) The OCMI will review the particular installation of each system for the safety hazards identified in § 56.50-1 (a), (b)(1), and (c) through (k) of this chapter and prescribe additional requirements as appropriate.

§ 131.19 Hull and watertight bulkhead penetrations—materials and pressure design.

(a) Piping penetrations in bulkheads required by this subchapter to be watertight must meet the material and pressure design requirements of Subchapter F of this chapter.

(b) All overborad discharges and shell connections must meet the material and pressure design requirements of

Subchapter F of this chapter up to and including required shut-off valves.

§ 131.22 Hydraulic or pneumatic power and control systems—materials and pressure design.

(a) Standard piping components (e.g. pipe runs, fittings, flanges, standard valves, etc.) for hydraulic or pneumatic power and control sytems must meet the material and pressure design requirements of § 131.1, § 131.13, or § 131.16 as appropriate.

(b) Non-standard hydraulic or pneumatic components (e.g. control valves, check valves, relief valves, regulators, etc.) may be accepted if the component is certified by the manufacturer as suitable for marine service and if—

(1) The component meets all of the material and pressure design requirements of Subparts 56.60 and 58.30 of this chapter and its service is limited to the manufacturer's rated pressure; or

(2) The service of the component is limited to 1/2 the manufacturer's recommended maximum operating pressure or 1/10 the component's burst pressure. Burst pressure testing is described in ANSI Standard B31.1, Paragraph 104.7.A and must be conducted in accordance with Paragraph A-22, Section I, ASME Code. Written certification of burst test results must be submitted with the plans required by § 127.4(d) of this chapter.

Subpart C—Main and Auxiliary Machinery

§ 131.31 Fuel.

(a) Except as provided in paragraph (b) of this section, each internal combustion engine installed on a vessel, whether used for main propulsion or auxiliaries, must be driven by fuel having a flashpoint exceeding 110 degrees F. (Pensky-Martens Closed Cup Method, ASTM-D 93).

(b) The use of fuels with a flashpoint lower than 110 degrees F. must be specifically approved by the Commandant (G-MTH).

§ 131.34 Exhaust systems.

In a diesel engine exhaust system, the material requirements of § 58.10-5(d)(l)(i) of this chapter need not be met if the installation is certified as required in § 131.16(c).

Subpart D—Design Requirements Pertaining to Specific Systems

§ 131.40 Ships service refrigeration systems.

A self-contained unit for air conditioning or for refrigerated ship stores spaces need not meet the requirements in § 58.20-5, 10, 15, 20(a), and 20(b) of this chapter if—

(a) A freon refrigerant allowed by § 147.05-100 of this chapter is used;

(b) Certification is provided by the manufacturer that the unit is suitable for its intended purpose; and

(c) Electrical wiring meets the applicable requirements of Subchapter J of this chapter.

§ 131.43 Keel cooler installations.

(a) Except as provided in this section, keel cooler installations must meet the requirements of § 56.50-96 of this chapter.

(b) Approved metallic flexible connections may be located below the deepest load waterline if the system is a closed loop below the waterline and its vent is located above the waterline.

(c) Fillet welds may be used in the attachment of channels and half round pipe sections to the bottom of the vessel.

(d) Short lengths of approved non-metallic flexible hose may be used at machinery connections fixed by hose clamps provided that—

(1) The clamps are of a corrosion resistant material;

(2) The clamps do not depend on spring tension for their holding power; and

(3) Two clamps are used on each end of the hose or one hose clamp is used and the pipe ends are expanded or beaded to provide a positive stop against hose slippage.

§ 131.46 Grid cooler installations.

(a) Hull penetrations for grid cooler installations must be made through a cofferdam or at a seachest.

(b) Grid coolers must be suitably protected against damage from debris and grounding by recessing the unit into the hull or by the placement of protective guards.

§ 131.49 Bilge systems.

(a) If in the opinion of the OCMI, the design of a vessel 180 feet or more in LBP minimizes the under-deck volume subject to flooding, the vessel may be equipped to the standards of § 56.50-50 and § 56.50-55 of this chapter applicable to a dry cargo vessel less than 180 feet in LBP.

(b) For a vessel required by § 56.50-55 of this chapter to have three bilge pumps, two bilge pumps are acceptable if the steering room, engine room, centerline corridor and compartment containing the dry mud tanks are the only below deck spaces required to be fitted with bilge suctions.

§ 131.52 Liquid mud systems.

(a) Liquid mud piping systems may use resilient seated valves of the Category A type under the requirements of § 56.20-15 and § 56.50-60 of this chapter.

(b) A shut-off valve must be located at or as near as practicable to the tank boundary and equipped for local control. If the valve is not readily accessible, it must also be equipped for remote control from a readily accessible location outside of the compartment in which the valve is located.

(c) Liquid mud tanks must be fitted with tank vents equipped with flame screens. Vents must not discharge to the interior of the vessel.

PART 132—ELECTRICAL ENGINEERING EQUIPMENT AND SYSTEMS

Subpart A—General

Sec.

132.1 Applicability.
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Subpart B—Electrical Installations Operating at Potentials of Less Than 50 Volts on Vessels of Less than 100 Gross Tons

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Subpart C—Electrical Installations Operating at Potentials of 50 Volts or More on Vessels of Less than 100 Gross Tons

132.40 Applicability.
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132.76 General.
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132.94 Hazardous locations.
132.97 Engine order telegraph systems.
132.100 Steering systems.

Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96–378, 94 Stat. 1513 (46 U.S.C. 404–1); R.S. 4462, as amended (46 U.S.C. 416); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—General

§ 132.1 Applicability.

(a) Each vessel of less than 100 gross tons must comply with the requirements in either—

(1) Paragraph (b) of this section; or

(2) Subparts B and C.

(b) Each vessel of 100 gross tons and over must comply with the requirements in Subpart D.

(c) Each vessel regardless of tonnage must comply with § 132.07.

§ 132.7 Hazardous locations.

(a) Each vessel that carries flammable or combustible cargo with a flashpoint below 60 degrees C (140 degrees F) or specified hazardous cargoes on deck or in integral tanks, must not have electrical equipment installed in pumprooms, hose storage spaces, or within 10 feet of a source of vapor on a weather deck unless the equipment is explosion-proof or intrinsically safe in accordance with § 111.105–9 or § 111.105–11 of this chapter.

(b) Electrical equipment must not be installed in lockers that are used to store paint, oil, turpentine, or other flammable liquids unless the equipment is explosion-proof or intrinsically safe in accordance with § 111.105–9 or § 111.105–11 of this chapter.

Subpart B—Electrical Installations Operating at Potentials of Less Than 50 Volts on Vessels of Less than 100 Gross Tons

§ 132.10 Applicability.

The requirements in this subpart apply to electrical installations operating at potentials of less than 50 volts on vessels of less than 100 gross tons.

§ 132.13 Name plates.

Each generator, motor and other major item of power equipment must be provided with a name plate indicating the manufacturer's name, its rating in volts and amperes or in volts and watts and, when intended for connection to a normally grounded supply, the grounding polarity.

§ 132.16 Generators and motors.

(a) Each vessel of more than 65 feet in LOD that has any of the Vital systems listed in § 131.7 of this subchapter powered by a generator distribution system, must have two generators. One of these generators must be driven by a means independent of the main propulsion plant. A generator that is not independent of the main propulsion plant must meet the requirements of § 111.10–4(c) of this chapter.

(b) Each generator and motor must be in a location that is accessible, adequately ventilated, and as dry as practicable.

(c) Each generator and motor must be mounted as high as practicable above the bilges to avoid damage by splash and to avoid contact with low lying vapors.

(d) Each generator must be protected from overcurrent by circuit breakers, fuses or an overcurrent relay.

§ 132.19 Switchboards.

(a) Each switchboard must be in as dry a location as practicable, accessible, protected from inadvertent entry, and adequately ventilated. All uninsulated current carrying parts must be mounted on nonabsorbent, noncombustible, high dielectric isulating material.

(b) Each switchboard must be—

(1) Totally enclosed; and

(2) Of the dead front type.

(c) Each ungrounded conductor of a circuit supplying lights, motors or appliances must have at the point of attachment to the power source either—

(1) A circuit breaker; or

(2) A switch and fuse.

(d) Each switch other than one mounted on a switchboard must be of the enclosed type.

§ 132.22 Batteries.

(a) Each battery must be in a location that allows the gas generated in charging to be easily dissipated by natural or induced ventilation.

(b) Except as provided in paragraph (c) of this section, a battery must not be located in the same compartment with a gasoline tank or gasoline engine.

(c) If compliance with paragraph (b) of this section is not practicable, the battery must be effectively screened by a cage or similar structure to minimize the danger of accidental spark through dropping a metal object across the terminals.

(d) Each battery must be located as high above the bilges as practicable and secured against shifting with motion of the vessel. It must be accessible with not less than 10 inches head room.

(e) All connections must be made to battery terminals with permanent type connectors. Spring clips or other temporary type clamps must not be used.

(f) Each battery must be located in a tray of lead or other suitable material resistant to deteriorating action by the electrolyte.

(g) Each battery charger intended for connection to a commerical supply voltage must employ a tranformer of the isolating type. An ammeter that is readily visible must be included in the battery charger circuit.

(h) A voltage dropping resistor, provided for charging a battery, must be mounted in a ventilated non-combustible enclosure that prevents hazardous temperatures at adjacent combustible materials.

(i) The ungrounded main supply conductor from the battery must have an emergency switch located as close as practicable to the battery.

(j) If a storage battey is not in the same compartment and adjacent to the panel or box that distributes power to the various lighting, motor and appliance branch circuits, the storage battery lead must be fused at the battery.

§ 132.25 Radiotelephone equipment.

A separate circuit, fused at the main distribution panel, must be provided for each radiotelephone installation.

§ 132.28 Circuit breakers.

Each circuit breaker must be of the manually reset type designed for—

(a) Inverse time delay;

(b) Instantaneous short circuit protection; and

(c) Repeated opening of the circuit without damage to the circuit breaker.

§ 132.31 Accessories.

Each light, receptacle and switch exposed to the weather must be watertight and must be constructed of corrosion-resistant material.

§ 132.34 Wiring for power and lighting circuits.

(a) Wiring for power and lighting circuits must—

(1) Meet article 310–13 of the National Electrical Code;

(2) Be listed by Underwriters Laboratories Inc. as "50 volt boat cable"; or

(3) Meet § 132.52.

(b) Ampacities for conductors must meet article 310–15 of the National Electrical Code.

(c) Conductors must be sized so that the voltage drop at the load terminals is not more than 10 percent.

§ 132.37 Installation of wiring for power and lighting circuits.

(a) Wiring must be run as high as practicable above the bilges.

(b) Wiring, where subject to mechanical damage, must be protected.

(c) A wiring joint or splice must be mechanically secure and made in a junction box or enclosure.

(d) Unless a splice is made by an insulated pressure wire connector listed by Underwriters Laboratories Inc., it must be thoroughly soldered and taped with electrical insulating tape or the soldered joint must be otherwise protected as to provide an insulation the same as that of the conductors joined.

(e) Where ends of stranded conductors are to be clamped under terminal screws, they must be formed and soldered unless fitted with pressure terminal connectors listed by Underwriters Laboratories Inc.

(f) Conductors must be protected from overcurrent in accordance with their current-carrying capacities.

(g) Conductors supplying motors and motor operated appliances must be protected by a separate overcurrent device that is responsive to motor current. This device must be rated or set at not more than 125 percent of the motor full-load current rating.

(h) On metallic vessels the enclosures and frames of all major electrical equipment must be permanently grounded to the metal hull of the vessel by the mounting bolts or other means. Cable armor must not be used as the normal grounding means.

(i) On nonmetallic vessels, the enclosures and frames of major electrical equipment must be bonded together to a common ground by a normal non-current carrying conductor.

(j) For grounded systems the negative polarity of the supply source must be grounded to the metal hull or, for nonmetallic vessels, connected to the common ground.

(k) On a nonmetallic vessel where a ground plate is provided for radio equipment it must be connected to the common ground.

(l) For grounded systems, hull return must not be used except for engine starting purposes.

Subpart C—Electrical Installations Operating at Potentials of 50 Volts or More on Vessels of Less Than 100 Gross Tons

§ 132.40 Applicability.

The requirements of this subpart apply to electrical installations operating at potentials of 50 volts or more, on vessels of less than 100 gross tons.

§ 132.43 Generators and motors.

(a) Each generator and motor must be fitted with a nameplate of corrosion-resistant material mared with the following information as applicable:

(1) Name of manufacturer.

(2) Manufacturer's type and frame designation.

(3) Output in kilowatts or horsepower rating.

(4) Kind of rating (continuous, intermittent, etc.).

(5) Revolutions per minute at rated load.

(6) Amperes at rated load.

(7) Voltage.

(8) Frequency if applicable.

(9) Number of phases, if applicable.

(10) Type of winding (for direct-current motors).

(b) Each vessel of more than 65 feet in LOD that has any of the Vital systems listed in § 131.7 of this subchapter powered by a generator distribution system, must have two generators. One of these generators must be driven by a means independent of the main propulsion plant. A generator that is not independent of the main propulsion plant must meet the requirements of § 111.10–4(c) of this chapter.

(c) Each generator and motor must be in a location that is accessible, adequately ventilated, and as dry as practicable.

(d) Each generator and motor must be mounted as high as practicable above the bilges to avoid damage by splash and to avoid contact with low lying vapors.

(e) Each motor for use in a location exposed to the weather must be of the watertight or waterproof type or must be enclosed in a watertight housing. The motor enclosure or housing must be provided with a check valve for drainage or a tapped hole at the lowest part of the frame for attaching a drain pipe or drain plug.

(f) Except as provided in paragraphs (g) and (h) of this section, each generator and motor for use in a machinery space must be designed for an ambient temperature of 50 degrees C. (122 degrees F).

(g) A generator or motor may be designed for an ambient temperature of 40 degrees C. (104 degrees F) if the vessel is designed so that the ambient temperature in the machinery space will not exceed 40 degrees C. under normal operating conditions.

(h) A generator or motor designed for 40 degrees C may be used in a 50 degrees C. ambient location provided it is derated to 80 percent of full load rating, and the rating or setting of the overcurrent device is reduced accordingly. A nameplate specifying the derated capacity must be provided for each motor and generator.

(i) A voltmeter and an ammeter must be provided that can be used for measuring voltage and current of each generator that is in operation. For each alternating-current generator a means for measuring frequency must also be provided. Additional control equipment and measuring instruments must be provided, if needed, to ensure satisfactory operation of each generator.

§ 132.45 Grounded electrical systems.

(a) Except as provided in paragraph (b) of this section, each grounded electrical system must meet § 111.05 of this chapter.

(b) Ground detection is not required in a grounded electrical system.

§ 132.46 Equipment protection and enclosure.

(a) Except as provided in this section, all electrical equipment including motors, generators, controllers, distribution panels, etc., must be at least drip proof and protected.

(b) Equipment mounted on a hinged door of an enclosure must be constructed or shielded so that no live parts of the door mounted equipment will be exposed to accidental contact by a person with the door open and the circuit energized.

(c) Any cabinet, panel, or box containing more than one source of potential in excess of 24 volts must be fitted with a sign warning personnel of this condition and identifying the circuits to be disconnected to remove all the potentials in excess of 24 volts.

(d) Each distribution panelboard must be enclosed.

§ 132.49 Main distribution panels and switchboards.

(a) Each switchboard must be fitted with a driphood and front non-conducting hand rails.

(b) If the swithboard is accessible from the rear, non-conducting hand rails must be provided in the rear of the switchboard.

(c) Non-conducting mats or grating must be provided on the deck in front of each switchboard.

(d) If the switchboard is accessible from the rear, non-conducting mats or grating must be provided on the deck in the rear of the switchboard.

(e) Not less than 24 inches working space must be provided in front of each main distribution panel and switchboard and not less than 18" working space must be provided in the rear of each main distribution panel and switchboard that is accessible from the rear.

(f) Metal cases of instruments and secondary windings of instrument transformers must be grounded.

(g) Each main distribution panel and switchboard must be placed in a location that is accessible, adequately ventilated, and as dry as practicable. All uninsulated current carrying parts must be mounted on nonabsorbent, noncombustible, high dielectric insulating material.

(h) Each main distribution panel and switchboard must be of the dead front type.

§ 132.52 Wiring for power and lighting circuits.

Wiring for each power and lighting circuit must meet Subpart 111.60 of this chapter.

§ 132.55 Installation of wiring for power and lighting circuits.

(a) Wiring must be run as high as practicable above the bilges.

(b) Each cable installed where particularly susceptible to damage such as locations in way of doors, hatches, etc., must be protected by removable metal coverings, angle irons, pipe, or other equivalent means. All metallic covering must be electrically continuous and grounded to the metal hull or common ground, and all coverings such as pipe that may trap moisture must be provided with holes for drainage. Where cable protection is carried through a watertight deck or bulkhead, the installation must maintain the watertight integrity of the structure.

(c) Each cable entering a box or fitting must be protected from abrasion, and must meet the following requirements:

(1) Each opening through which conductors enter must be adequately closed.

(2) Cable armor must be secured to the box or fitting.

(3) In damp or wet locations, each cable entrance must be watertight.

(d) The enclosures of all equipment must be permanently grounded to the metal hull of the vessel by the mounting bolts or other means. Cable armor must not be used as the normal grounding means.

(e) On a nonmetallic vessel, the enclosures must be bonded to a common ground by a normal non-current carrying conductor.

(f) On a nonmetallic vessel where a ground plate is provided for radio equipment it must be connected to the common ground.

(g) When a vessel is connected to shore power, a bonding cable may be used to connect the metal hull, or on nonmetallic vessels the common ground, to shore ground.

(h) Except as provided in paragraph (i) of this section, each armored cable must have a metallic covering that is—

(1) Electrically and mechanically continuous; and

(2) Grounded at each end of the run to—

(i) The metal hull; or

(ii) The common ground required by paragraph (e) of this section on nonmetallic vessels.

(i) In lieu of being grounded at each end of the run as required by paragraph (h) of this section, final sub-circuits may be grounded at the supply end only.

(j) All equipment, including switches, fuses, lampholders, etc., must be of a type designed for the proper potential and be so identified.

(k) Except as provided in paragraph (l) of this section, each junction box, connection box, and outlet box, must have an internal depth of at least 1½ inches.

(l) For a box incorporated in a fixture having a volume of not less than 20 cubic inches, the depth may be decreased to not less than 1 inch.

(m) Each conductor, except a fixture wire within a box, must have a free space computed using the volume per conductor given in Table 132.55. If a fitting or device such as a cable clamp, hickey, switch or receptable is contained in the box, each fitting or device must count as one conductor.

TABLE 132.55

Size of conductor A.W.G.	Free space for each conductor in box, cubic inches
14	2.0
12	2.25
8	2.50
1	3.0

(n) Each junction box, connection box, and outlet box for use in a damp or wet location must be of watertight construction.

(o) Each lighting fixture must be constructed in accordance with the requirements of Subchapter J of this chapter.

(p) A separate circuit, fused at the main distribution panel, must be provided for each radiotelephone installation.

(q) Knife switches must be so placed or designed that gravity or vibration will not tend to close them. Knife switches, unless of the double throw type, must be connected so that the blades are dead when the switch is in the open position. Circuits must be connected to the fuse end of switches and to the coil end of circuit breakers, except that generator leads or incoming feeders may be connected to either end of circuit breakers.

(r) Receptacle outlets and attachment plugs for the attachment of portable lamps, tools, and similar apparatus supplied as ship's equipment and operating at 100 volts or more, must provide a grounding pole and a grounding conductor in the portable cord to ground the non-current carrying metal parts of the apparatus.

(s) Receptacle outlets of the type providing a grounded pole must be of a configuration that will not permit the dead metal parts of portable apparatus to be connected to a live conductor.

§ 132.58 Disconnect switches and devices.

(a) Externally operable switches or circuit breakers must be provided for motor and controller circuits and must open all ungrounded conductors of the circuit.

(b) If the disconnect means is not within sight of the equipment that the circuit supplies and is at a location accessible to offshore workers, means must be provided for locking the disconnect device in the "open" position.

(c) For circuits protected by fuses, the disconnect switch required for fuses in § 132.64(b) is adequate for disconnecting the circuit from the supply.

(d) The disconnect means may be in the same enclosure with motor controllers.

(e) Disconnect means must be provided to open all conductors of generator and shore power cables.

§ 132.61 Distribution and circuit loads.

(a) Except as provided in paragraph (b) of this section, the connected load on a lighting branch circuit must not exceed 80 percent of the rating of the overcurrent protective device, computed using the greater of—

(1) The lamp sizes to be installed; or

(2) 50 watts per outlet.

(b) Circuits supplying electrical discharge lamps must be computed using the ballast input current.

(c) The branch circuit cables for motor and lighting loads must be no smaller than No. 14 AWG.

§ 132.64 Overcurrent protection, general.

(a) Overcurrent protection must be provided for each ungrounded conductor for the purpose of opening the electric circuit if the current reaches a value that causes an excessive or dangerous temperature in the conductor or conductor insulation.

(b) Disconnect means must be provided on the supply side of and adjacent to all fuses for the purpose of deenergizing the fuses for inspection and maintenance purposes. All disconnect means must open all ungrounded conductors of the circuit simultaneously.

(c) Each conductor, including a generator lead and shore power cable, must be protected in accordance with its current-carrying capacity.

(d) If the allowable current-carrying capacity of a conductor does not correspond to a standard size fuse, the next larger size or rating may be used but not exceeding 150 percent of the allowable current-carrying capacity of the conductor.

(e) Plug (screw in type) fuses and fuseholders must not be used in circuits exceeding 125 volts between conductors. The screw shell of plug type fuseholders must be connected to the load of the circuit. Edison base fuses must not be used.

(f) If the allowable current-carrying capacity of the conductor does not correspond to a standard rating of circuit breakers, the next larger rating not exceeding 150 percent of the allowable current-carrying capacity of the conductor may be used.

(g) Lighting branch circuits must be protected against over current either by fuses or circuit breakers rated at not more than 20 amperes.

(h) Each circuit breaker must be of the manually reset type designed for—

(1) Inverse time delay;

(2) Instantaneous short circuit protection; and

(3) Repeated opening of the circuit in which it is to be used without damage to the circuit breaker.

(i) Circuit breakers must indicate whether they are in the open or closed position.

(j) Devices such as instruments, pilot lights, ground detector lights, potential transformers, etc. must be supplied by circuits protected by overcurrent devices.

(k) Each generator must be protected with an overcurrent device set at a value not exceeding 15 percent above the full-load rating for continuous rated machines or the overload rating for special rated machines.

§ 132.67 Overcurrent protection for motors and motor branch circuits.

(a) Except as provided in paragraph (d) of this section, each motor must be provided with running protection against overcurrent. A protective device integral with the motor that is responsive to motor current or to both motor current and temperature may be used.

(b) The motor branch circuit conductors, the motor control apparatus, and the motors must be protected against overcurrent due to short circuits or grounds with overcurrent devices.

(c) The motor branch circuit overcurrent device must be capable of carrying the starting current of the motor.

(d) Each manually started continuous duty motor, rated at one horsepower or less, that is within sight from the starter location, is considered as protected against overcurrent by the overcurrent device protecting the conductors of the branch circuit.

§ 132.70 Electric heating and cooking equipment.

(a) Each electric space heater for heating rooms and compartments must be provided with thermal cutouts to prevent overheating. Each heater must be so constructed and installed as to prevent the hanging of towels, clothing, etc. on the heater, and to prevent overheating of heater parts and adjacent bulkheads or decks.

(b) All electric cooking equipment, attachments, and devices, must be of rugged construction and so designed as to permit complete cleaning, maintenance, and repair.

(c) Doors must be provided with heavy duty hinges and locking devices to prevent accidental opening in heavy seas.

(d) Electric cooking equipment must be mounted to prevent dislodgment in heavy seas.

(e) For each grill or similar type cooking equipment, means must be provided to collect grease or fat and to prevent spillage on wiring or the deck.

(f) Where necessary for safety of personnel, grab rails must be provided. Each electric range must be provided with sea rails with suitable barriers to resist accidental movement of cooking pots.

(g) Unspecified construction and circuit details must comply with Subchapter J of this chapter.

§ 132.73 Shore power.

(a) A shore power connection box or receptacle and a cable connecting this box or receptacle to the main distribution panel must be permanently installed in an accessible location.

(b) The shore power cable must be provided with a disconnect means located on or near the main distribution panel.

Subpart D—Electrical Installations on Vessels of 100 Gross Tons and Over

§ 132.76 General.

Except as provided in this subpart, electrical installations on vessels of 100 gross tons and over must meet the requirements of Parts 110–113 of this chapter.

§ 132.79 Power supply.

(a) The requirements of this section apply in lieu of Subpart 111.10 of this chapter.

(b) If a generator is used to provide electric power for any Vital system listed in § 131.7 of this subchapter, at least two generating sets must be provided. At least one required generating set must be independent of the main propulsion machinery. A generator that is not independent of the main propulsion plant must meet the requirements of § 111.10–4(c) of this chapter. With any one generating set stopped, the remaining set(s) must provide the power necessary for each of the following:

(1) Normal at sea load plus starting of the largest Vital system load that can be started automatically or started from a space remote from the main distribution panel (switchboard).

(2) All Vital systems simultaneously with Non-Vital loads secured.

(c) The adequacy of ship service generators must be demonstrated to the satisfaction of the OCMI during the intitial inspection required by § 126.52 of this subchapter.

§ 132.82 Demand loads.

Demand loads must meet § 111.60–7 of this chapter except that smaller demand loads for motor feeders are acceptable if the cable is protected at or below its current-carrying capacity.

§ 132.85 Lighting branch circuits.

Each lighting branch circuit must meet the requirements of § 111.75–5 of this chapter, except that—

(a) Appliance loads, electric heater loads, and isolated small motor loads may be connected to a lighting distribution panelboard; and

(b) Branch circuits in excess of 30 amperes may be supplied from a lighting distribution panelboard.

§ 132.88 Navigation lights.

Navigation light systems must meet the requirements of § 111.75–17 of this chapter except the requirements of § 111.75–17(a), (b), and (c).

§ 132.91 Remote stop or start stations.

In lieu of the remote stopping systems required by Subpart 111.103 of [illegible]

chapter, remote stop stations may be provided as follows:

(a) A main propulsion shutdown in the wheel house for each propulsion unit.

(b) A bilge slop or dirty oil discharge shutdown at the deck discharge.

(c) A ventilation shutdown located outside the space ventilated.

(d) A shutdown at the tranfer control station for each combustible and flammable liquid cargo transfer pump.

§ 132.94 Hazardous locations.

Each vessel that carries flammable or combustible cargo with a flashpoint below 60 degrees C (140 degrees F) or specified hazardous cargoes on deck or in integral tanks may meet the requirements in § 132.07 in lieu of the requirements of § 111.105 of this chapter.

§ 132.97 Engine order telegraph systems.

An engine order telegraph system is not required.

§ 132.100 Steering systems.

Each vessel may comply with the requirements for steering systems in § 134.13 of this subchapter in lieu of the steering system requirements in Subchapter J of this chapter.

PART 133—AUTOMATION OF UNATTENDED MACHNERY SPACES

Sec.
133.1 Applicability.
133.2 General provisions.
133.4 Controls.
133.7 Pilothouse control.
133.10 Communications system.
133.13 Machinery alarms.
133.16 Location of machinery alarms.
133.22 Fire alarms.
133.25 Test procedure and operations manual.

Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96-378, 94 Stat. 1513 (46 U.S.C. 404-1); R.S. 4462, as amended (46 U.S.C. 416); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

§ 133.1 Applicability.

This part applies to each vessel of 100 gross tons and over to be designed for operations without the continuous engineering watch required by Part 157 of this chapter.

§ 133.2 General provisions.

(a) In order to eliminate the continuous engineering watch required by Part 157 of this chapter, compliance with this part is required.

(b) The OCMI will determine the required engine department manning level based on the degree of automation provided and compliance with this part.

§ 133.4 Controls.

Each piece of automatically controlled machinery must have an alternative or manual means of control.

§ 133.7 Pilothouse control.

Controls must be provided at the pilothouse control station to—

(a) Control speed and direction of shaft rotation, or propeller pitch if controllable pitch propellers are used;

(b) Shutdown main propulsion machinery; and

(c) Start a fire pump and pressurize the fire main.

§ 133.10 Communications system.

(a) A communications system must be provided to immediately summon an engineer, or a crew member if no engineer is required, to the machinery space in the event of any condition in which an alarm is required by § 133.16.

(b) The communications system must be either—

(1) An alarm system that—

(i) Is dedicated for this purpose;

(ii) Sounds in the quarters, lounge, and other normally manned spaces; and

(iii) Is operable from the pilothouse; or

(2) A voice communication system operated from the pilothouse that—

(i) Is a sound powered telephone; or

(ii) Has its power supply from the emergency switchboard or from an independent battery that is continuously charged by its own battery charger.

§ 133.13 Machinery alarms.

(a) Each alarm required by § 133.16 must be of the self monitoring type that will alarm both visually and audibly upon an open or break in the sensing circuit.

(b) The visual alarm must continue until the condition is corrected.

(c) Means must be provided to manually silence each audible alarm.

(d) The silenced alarm must not prevent other audible alarms from sounding.

(e) Provisions must be made for testing all audible and visual alarms.

(f) A battery power supply must be provided for the alarm required in § 133.16(a)(7).

§ 133.16 Location of machinery alarms.

(a) Audible and visual alarms must be provided at the pilothouse control station to indicate the following:

(1) Loss of propulsion control power.

(2) Loss of steering power.

(3) Engineroom fire.

(4) High bilge level.

(5) For each main propulsion engine and each generator prime mover, low lube oil pressure.

(6) For each main propulsion engine and each generator prime mover, one alarm to indicate all of the following:

(i) High lube oil temperature.

(ii) High jacket water temperature.

(iii) High cylinder exhaust temperature.

(7) For each reduction gear and each turbocharger with a pressurized oil system, one alarm to indicate low lube oil pressure and high lube oil temperature.

(8) Loss of normal power supply for the above alarms.

(b) Bilge sensors for the high bilge level alarm required in paragraph (a) of this section, must be provided in—

(1) Each space below the deepest load waterline that contains pumps, motors or electrical equipment; and

(2) The compartment that contains the rudder post.

(c) Displays or alarms must be provided in the machinery spaces to allow rapid evaluation of the problem detected by the alarms required in paragraph (a) of this section. Equipment mounted gages or meters are acceptable for this pupose.

§ 133.22 Fire alarms.

(a) Each fire detector and control station must be of an approved type.

(b) The engineroom fire alarm circuit must not contain detectors for other spaces.

(c) The number and location of fire detectors must be approved by the OCMI.

§ 133.25 Test procedure and operations manual.

(a) A test procedure for tests and inspections of automation equipment to be conducted by the operator and the Coast Guard must be submitted in accordance with § 127.4 of this subchapter.

(b) The test procedure must be in a sequential checkoff format, include the required alarms, and provide details of the tests.

(c) Test details must specify equipment status, functions necessary to complete the test, and the expected test results.

(d) The tests must not simulate conditions by misadjustments, artificial signals, or improper wiring.

(e) A detailed operations manual that describes the operation and indicates the location of each system installed to meet the requirements of this part must be submitted in accordance with § 127.4 of this subchapter.

PART 134—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart A—Vessel Control

Sec.
134.1 Engineroom communication system.
134.4 Propulsion machinery controls.
134.7 Auxiliary machinery necessary for vessel control.
134.10 Steering systems on vessels of less than 100 gross tons.
134.13 Steering systems on vessels of 100 gross tons and over.

Subpart B—Miscellaneous Systems and Equipment

134.16 Radiotelegraph and radiotelephone.
134.19 Emergency lighting.
134.22 Cooking and heating.
134.25 Protection from refrigerants.
134.28 Anchors, chains, and hawsers.
134.31 Navigation lights and shapes, whistles, fog horns, and fog bells.
134.34 Compass.

Authority: R.S. 4405, as amended (46 U.S.C. 375); § 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96-378, 94 Stat. 1513 (46 U.S.C. 404-1); R.S. 4462, as amended (46 U.S.C. 416); § 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—Vessel Control

§ 134.1 Engineroom communication system.

An effective communication system must be provided between the pilothouse and the engineroom on each vessel of 100 gross tons and over.

§ 134.4 Propulsion machinery controls.

(a) Each vessel must have a pilothouse propulsion control system.

(b) An emergency propulsion engine trip must be provided in a readily accessible location outside the engineroom for each propulsion unit. The control system for this trip must be independent of the propulsion control system.

(c) A means of monitoring engine rpm must be provided on each vessel of 100 gross tons and over.

(d) Each vessel must also have a propulsion control system independent of the system required by paragraph (a) of this section unless means of propulsion control is provided in the engineroom.

(e) A propulsion control system must be designed so that loss of power does not result in an increase in shaft speed or propeller pitch.

§ 134.7 Auxiliary machinery necessary for vessel control.

On each vessel of 100 gross tons and over, all auxiliary machinery and equipment necessary for vessel control, such as propulsion, steering, and control system auxiliaries, must have low voltage release that will automatically restart the auxiliaries when power is restored after a power outsage.

§ 134.10 Steering systems on vessels of less than 100 gross tons.

(a) Each vessel of less than 100 gross tons must have a steering system that meets—

(1) The requirements of § 134.13; or

(2) The requirements of this section.

(b) Except as provided in paragraph (j) of this section, a main and independent auxiliary means of steering must be provided for each vessel.

(c) The main steering gear must be—

(1) Of adequate strength and capable of steering the vessel at maximum service speed;

(2) Designed to operate at maximum astern speed without being damaged; and

(3) Capable of moving the rudder from 35 degrees on one side to 30 degrees on the other side in no more than 28 seconds with the vessel moving ahead at maximum service speed.

(d) Control of the main steering gear must be provided from the pilothouse, including control of any necessary ancilary device (motor, pump, valve, etc.). If a power driven main steering gear is used, a pilot light must be provided to indicate operation of the power units.

(e) The auxiliary steering gear must be—

(1) Of adequate strength;

(2) Capable of steering the vessel at navigable speed; and

(3) Controlled from a location that—

(i) Has communications with the pilothouse; or

(ii) Enables the master to safely maneuver the vessel.

(f) The steering gear must be designed so that transfer from the main steering gear or control to the auxiliary steering gear or control can be achieved rapidly. Any tools or equipment necessary to make the transfer must be readily available. Instructions for transfer procedures must be posted in the main steering gear control station.

(g) Instantaneous short circuit protection for electrical power and control circuits, sized and located in accordance with § 111.93-11 (d) and (e) of this chapter, must be provided.

(h) An independent rudder angle indicator at the pilothouse steering control station must be provided.

(i) An auxiliary steering gear need not be installed if—

(1) The main steering gear and its controls are provided in duplicate; or

(2) Multiple screw propulsion with independent pilothouse propulsion control is provided and the vessel is capable of being steered using the pilothouse propulsion control.

(j) Each vessel that has duplicate main steering gear power systems in order to comply with paragraph (i)(1) of this section, may use one of the power systems for other purposes if—

(1) Controls for the attached system are located at the pilothouse steering control station;

(2) Full power is available to the steering system when the attached system is not in operation;

(3) The attached system can be isolated from the steering system, and instructions are posted as to procedure; and

(4) The attached system is materially equivalant to the steering system.

§ 134.13 Steering systems on vessels of 100 gross tons and over.

(a) Each vessel of 100 gross tons and over must have a steering system that meets—

(1) The applicable requirements of Subchapters F and J of this chapter; or

(2) The requirements in this section for a hydraulic helm unit steering system.

(b) Each hydraulic helm unit steering system must have the following:

(1) A steering gear of adequate strength and capability to steer the vessel at maximum service speed, and not be damaged at maximum astern speed.

(2) A hydraulic system of not more than 1800 p.s.i. maximum allowable working pressure (MAWP), dedicated to steering service.

(3) Piping materials that comply with the requirements of Subchapter F of this chapter and piping of at least schedule 80 thickness.

(4) All fore and aft runs of piping located inboard.

(5) Rudder stops.

(6) Two steering pumps and drive motors with separate feeders each capable of moving the rudder from 35 degrees on one side to 30 degrees on the other side in not more than 28 seconds with the vessel moving ahead at maximum service speed. A single hydraulic sump is acceptable if it is of the "cascading overflow" type with a centerline bulkhead open only at the top, and if each half has sufficient capacity to operate the system.

(7) Control of the main steering gear from the pilothouse including—

(i) Helm control;

(ii) Control of any necessary ancillary device (motor, pump, valve, etc.); and

(iii) Manual capability to center and steady the rudder, using the hydraulic

helm unit, in the event the vessel loses normal steering power.

(8) Multiple screw propulsion with independent pilothouse propulsion control that is capable of steering the vessel.

(9) Dual hydraulic cylinders arranged so that either cylinder can be readily isolated, permitting the other cylinder to remain in service and move all rudders.

(10) The steering alarms and indications required by § 111.93-13 of this chapter located in the pilothouse.

(11) Instantaneous short circuit protection for electrical power and control circuits sized and located as required by § 111.93-11 (d) and (e) of this chapter.

(12) An independent rudder angle indicator at the pilothouse steering control station.

(13) Means to locally start and stop the steering pumps.

(14) Means to isolate any supplementary controls or control stations so as to not impair the reliability and availability of the required systems.

(c) In complying with the requirements of paragraph (b) of this section, one set of piping between pumps, helm, and cylinders is acceptable.

Subpart B—Miscellaneous systems and Equipment

§ 134.16 Radiotelegraph and radiotelephone.

Each vessel must comply with the requirements in 47 CFR Part 83 as applicable.

§ 134.19 Emergency lighting.

(a) Each vessel that has accommodation spaces below the main deck must have emergency lighting along the line of escape from those spaces. The emergency lighting must be automatically actuated upon failure of the main lighting system.

(b) For the purpose of complying with paragraph (a) of this section, if a vessel is not equipped with a single source emergency lighting system it must have individual storage battery powered automatically operated lights installed in strategic locations. These lights must have an automatic battery charger, must not be readily portable, and must have sufficient capacity for 6 hours continuous operation.

(c) Each vessel of 100 gross tons and over must also meet the applicable emergency lighting requirements of Subchapter J of this chapter.

§ 134.22 Cooking and heating.

(a) Cooking and heating equipment must be suitable for marine use.

(b) The use of liquefied petroleum gas for cooking, heating, or other purposes must be in accordance with the requirements of Subchapter F of this chapter.

(c) The use of gasoline for cooking, heating, or lighting is prohibited on all vessels.

§ 134.25 Protection from refrigerants.

(a) On each vessel equipped with refrigeration, other than small unit type refrigeration systems of not more than 20 cubic feet capacity, a gas mask, suitable for protection against each refrigerant used, or a self-contained breathing apparatus must be provided. The refrigeration gas masks must be stowed convenient to but outside of the spaces containing the refrigeration equipment.

(b) A complete recharge must be carried for each gas mask and self-contained breathing apparatus. The spare charge must be stowed in the same location as the equipment it is to reactivate.

(c) Each self-contained breathing apparatus and gas mask must be of a type approved under Subpart 160.011 of this chapter.

(d) The master must ensure that all equipment is maintained in an operable condition and that a sufficient number of the crew are familiar with the operation of the equipment.

§ 134.28 Anchors, chains, and hawsers.

(a) Each vessel of 100 gross tons and over must be fitted with anchors, chains, and hawsers in accordance with the requirements of the American Bureau of Shipping *Rules for Building and Classing Steel Vessels Under 61 Meters (200 Feet) in Length* or paragraph (b) of this section.

(b) If compliance with paragraph (a) of this section is considered by the OCMI to be impracticable, the following modifications to the requirements in paragraph (a) may be accepted:

(1) A minimum of two anchors is required.

(2) The anchor weight of Stockless Bower anchors is calculated by taking 80% of the ABS Rule weight based on the vessel's equipment number.

(3) An additional 25% reduction in anchor weight may be allowed if anchor types designed to provide superior holding power are used.

(4) In calculating the second term of the equipment number equation in the ABS Rules, the actual width of superstructures and deck houses above the freeboard deck are used in lieu of molded breadth (B).

(5) For anchor chain, use the Rule thickness but allow 75% of the Rule length.

(c) Each vessel of under 100 gross tons must be equipped with at least one anchor sized in accordance with the requirements of paragraph (a) or (b) of this section.

(d) Each vessel with one or more anchors weighing more than 80 pounds must have a manual or power operated winch or windlass capable of retrieving the anchor.

§ 134.31 Navigation lights and shapes, whistles, fog horns, and fog bells.

(a) Each vessel must be fitted with navigation lights and shapes, whistles, fog horns, and fog bells as prescribed by applicable navigation rules.

(b) Light screens when required by the applicable navigation rules for port and starboard side lights must be painted with a matt black paint and must project not less than three feet forward of the center of the light source.

§ 134.34 Compass.

Each vessel must be fitted with a compass suitable for the intended service of the vessel.

PART 135—OPERATIONS

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135.187 Exhibition of license.
135.190 Use of auto pilot.
135.193 Whistling.
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135.199 Searchlights.
135.202 Lookouts.
135.205 Rescue boat.

Authority: Sec. 2, 87 Stat. 418 (46 U.S.C. 86); sec. 2, 49 Stat. 888 as amended (46 U.S.C. 88a); R.S. 4405, as amended (46 U.S.C. 375); sec. 3, 70 Stat. 152 as amended (46 U.S.C. 390b); Pub. L. 96–378, 94 Stat. 1513 (46 U.S.C. 404–1); R.S. 4462, as amended (46 U.S.C. 416); sec. 1, Pub. L. 86–244, 73 Stat. 475 (46 U.S.C. 481); sec. 6, 80 Stat. 938 (49 U.S.C. 1655(b)); E.O. 12234, 45 FR 58801; 49 CFR 1.46.

Subpart A—Notice of Casualty and Voyage Records

§ 135.1 Notice of casualty.

The owner, agent, master, or person in charge of a vessel involved in a marine casualty must give notice as soon as possible to the nearest Coast Guard Marine Safety or Marine Inspection Office whenever the casualty involves any of the following:

(a) All accidental groundings and any intentional grounding which also meets any of the other reporting criteria or creates a hazard to navigation, the environment, or the safety of the vessel.

(b) Loss of main propulsion or primary steering, or any associated component or control system, the loss of which causes a reduction of the maneuvering capabilities of the vessel. Loss means that systems, component parts, sub-systems, or control systems do not perform the specified or required function.

(c) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure or damage to fixed fire extinguishing systems, lifesaving equipment, auxiliary power generating equipment, or bilge pumping systems.

(d) Loss of life.

(e) Injury causing a person to remain incapacitated for a period in excess of 72 hours.

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of $25,000.00. Damage includes the cost necessary to restore the property to the service condition which existed prior to the casualty. It does not include items such as demurrage.

§ 135.4 Information required.

The notice required by § 135.1 must show the name and official number of the vessel involved, the name of the vessel's owner or agent, the nature and circumstances of the casualty, the locality in which it occurred, the nature and extent of injury to persons, and the damage to property.

§ 135.7 Written report.

(a) In addition to the notice required by § 135.1, the person in charge of the vessel must, as soon as possible, report in writing and in person to the OCMI, at the port in which the casualty occurred or nearest the port of first arrival. However, if it may be inconvenient to report in person, due to distance, the report may be done in writing only.

(b) The written report required for personal accident must be made on form CG–924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report must be made on Form CG–2692.

(c) If filed without delay, the Form CG–924E or CG–2692 may also provide the notice required by § 135.1.

§ 135.10 Retention of records.

(a) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty must retain the voyage records of the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, storage plans, record of draft, aids to mariners, radiograms sent and received, the radio log and crew and offshore worker lists.

(b) The owner, agent, master, or other person in charge, must make these records available to a duly authorized Coast Guard officer or employee for examination upon request.

§ 135.13 Aids to navigation.

(a) Whenever a vessel collides with or is involved in a collision with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, the person in charge of the vessel must report the accident to the nearest OCMI.

(b) A report on Form CG–2692 is not required unless any of the results listed in § 135.1 occur.

§ 135.16 Reports when state of war exists.

During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents must be handled with caution and the reports must not be made by radio or by telegram.

Subpart B—Reports of Accidents, Repairs, and Unsafe Equipment

§ 135.19 Repairs to unfired pressure vessels.

Before making any repairs to unfired pressure vessels, the master or chief engineer must submit a report covering the nature of the repairs to the OCMI, at or nearest to the port where the repairs are to be made.

§ 135.22 Accidents to machinery.

In the event of an accident to an unfired pressure vessel or to machinery,

tending to render the further use of the item unsafe until repairs are made, or if the ordinary wear these items become unsafe, a report must be made, by the master or chief engineer immediately to the OCMI, or if at sea immediately upon arrival at port.

§ 135.25 Notice required before repair.

Except in an emergency, no repairs or alterations may be made to any lifesaving or fire detecting or extinguishing equipment without advance notice to the OCMI. When emergency repairs or alterations have been made, notice must be given to the OCMI, as soon as practicable.

§ 135.28 Breaking of safety valve seal.

If at any time it is necessary to break the seal on a safety valve for any purpose, the master or chief engineer must advise the OCMI, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by a marine inspector.

Subpart C—Manning of Lifeboats and Inflatable Liferafts

§ 135.31 Person in command of lifeboat or inflatable liferaft.

(a) For each vessel 100 gross tons and over in ocean service, a licensed deck officer, an able seaman, or a certificated lifeboatman must be placed in command of each lifeboat or inflatable liferaft. When two or more certificated lifeboatmen are required by Table 135.34, a second in command must also be appointed and must be either a licensed deck officer, an able seaman, or a certificated lifeboatman.

(b) For each vessel in coastwise service and each vessel under 100 gross tons, the master must appoint a person in command of each lifeboat and each inflatable liferaft. The person in command of a lifeboat must be either a licensed deck officer, an able seaman, or a certificated lifeboatman. The person in command of an inflatable liferaft must be someone trained in the handling and operation of inflatable liferafts.

(c) The person in charge of each lifeboat or inflatable liferaft must have a list of its crew, and must ensure that they are acquainted with their duties.

§ 135.34 Certificated lifeboatmen.

On each vessel 100 gross tons and over, there must be a number of certificated lifeboatmen at least equal to that specified in Table 135.34 for each inflatable liferaft and lifeboat.

TABLE 135.34

Lifesaving appliance	Minimum number of lifeboatmen per appliance	
	Ocean service	Coastwise service
Lifeboat	2	1
Inflatable liferaft	1	1

Subpart D—Tests, Drills, and Inspections

§ 135.37 Steering gear, whistle, and means of communication.

(a) On each vessel making a voyage of more than 48 hours' duration, the steering gear, the whistle, and the means of communication between the bridge or pilothouse and the engineroom must be examined and tested by the master within a period of not more than 12 hours prior to departure. On each other vessel similar examinations and tests must be made at least once in every week.

(b) The date of the test and the condition of the equipment must be noted in the vessel's logbook.

§ 135.40 Drafts and load line markings.

(a) The master of each vessel on an ocean or coastwise voyage must enter the drafts of the vessel, forward and aft, in the vessel's logbook when leaving port.

(b) On a vessel subject to the requirements of Subchapter E of this chapter, at the time of departure from port on an ocean or coastwise voyage the master must insert in the vessel's logbook a statement of the position of the load line mark, port and starboard, in relation to the surface of the water in which the vessel is then floating.

(c) When an allowance for draft is made for density of the water in which the vessel is floating, this density must be noted in the vessel's logbook.

§ 135.43 Periodic Sanitary Inspections.

(a) The master must make periodic inspections of the quarters, toilet and washing spaces, serving pantries, galleys, etc. to ensure that those spaces are maintained in a sanitary condition.

(b) The master must record the results of these inspections in the vessel's logbook.

§ 135.46 Hatches and other openings.

Before leaving protected waters, the master must ensure that all exposed cargo hatches and other openings in the hull of the vessel are closed, made properly watertight by the use of tarpaulins, gaskets or similar devices, and in all respects properly secured for sea.

§ 135.49 Emergency lighting and power systems.

(a) The master must ensure that the emergency lighting and power systems, where fitted, are operated and inspected at least once in each week that the vessel is navigated to ensure that the system is in proper operating condition.

(b) Emergency generators driven by internal combustion engines must be operated under load for at least 2 hours at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems must be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for the period of time specified in Table 112.05–5(a) of this chapter.

(d) The date of each test and the condition and performance of the apparatus must be noted in the vessel's logbook.

§ 135.52 Fire and boat drills.

(a) The master must conduct a fire and boat drill at least once in every week.

(b) The fire and boat drill must be conducted as if an actual emergency existed.

(c) The following tasks must be conducted during the fire and boat drill required by paragraph (a) of this section:

(1) Fire pumps must be started and a sufficient number of outlets and hoses used to ascertain that the system is in proper working order.

(2) Weather permitting lifeboat covers and strongbacks must be removed, plugs or caps put in place, boat ladders secured in position, painters led forward and tended, and other lifesaving equipment prepared for use. The motor and hand-propelling gear of each lifeboat, where fitted, must be operated for at least 5 minutes.

(3) The offshore workers, if carried, must be encouraged to fully participate in these drills and must be instructed in the location and use of life preservers and exposure suits.

(4) In port, every lifeboat must be swung out, if practicable, and the unobstructed lifeboats must be lowered to the water and the crew must practice using the oars and other means of propulsion if provided for the lifeboat. Although all lifeboats need not be used in a particular drill, care must be taken that all lifeboats are given occasional use to ascertain that all lowering equipment is in proper order and the crew properly trained. The master is responsible for ensuring that each

lifeboat is lowered to the water at least once every 3 months.

(5) When the vessel is under way, and weather permitting, all lifeboats must be swung out to ascertain that the gear is in proper order.

(6) The person in charge of each lifeboat and inflatable liferaft must have a list of its crew and must see that they are acquainted with their duties.

(7) Lifeboat equipment must be examined at least once a month to ensure that it is complete.

(d) Each time a fire and boat drill is held, an entry must be made in the vessel's logbook indicating the—

(1) Date and hour of the drill;

(2) Length of time of the drill;

(3) Numbers on the lifeboats swung out and the numbers on those lowered;

(4) Length of time that motor and hand-propelled lifeboats are operated;

(5) Number of lengths of hose used; and

(6) Condition of all fire and lifesaving equipment, watertight door mechanisms, valves, etc.

(e) If in any week fire and boat drills are not held or only partial drills are held, an entry must be made stating the circumstances and extent of the drills held.

(f) An entry must also be made in the vessel's logbook to report the monthly examination of the lifeboat equipment.

(g) A copy of Form CG–809 (Station Bills and Drills) must be framed under glass and posted in a conspicuous place aboard the vessel. This form may be obtained from the OCMI.

(h) The master of a vessel carrying exposure suits must ensure that each crew memeber wears an exposure suit in an at least one fire and boat drill per month unless it is impracticable due to warm weather.

§ 135.55 Electric power operated lifeboat winches.

(a) The master must ensure that all lifeboat winch control apparatus, including motor controllers, emergency switches, master switches, and limit switches, are examined at least once in every 3 months. The examination must include the removal of drain plugs or the opening of drain valves to ensure that enclosures are free of water.

(b) The date of the examination required by this section and the condition of the equipment must be noted in the vessel's logbook.

§ 135.58 Lifeboats, rescue boats, inflatable liferafts, and life floats.

(a) It is the duty of the master to see that the lifeboats, rescue boats, inflatable liferafts, and life floats are properly maintained at all times, and that all equipment required by the regulations in this subchapter is provided, maintained, and replaced as indicated or when necessary.

(b) Except as provided in paragraph (g) of this section, the master must ensure that the lifeboats, rescue boats, inflatable liferafts, and life floats are at all times ready for immediate use.

(c) The decks on which lifeboats, rescue boats, inflatable liferafts, and life floats are stowed must be kept clear of cargo or any other obstructions that would interfere with immediate launching of the lifesaving equipment.

(d) Where motor-propelled lifeboats are carried, the motor of each lifeboat must be operated in the ahead and astern position for a period of not less than 5 minutes at least once in each week.

(e) Each lifeboat and rescue boat must be stripped, cleaned, and thoroughly overhauled at least once in every year. When a lifeboat is removed from a vessel for this purpose on a rotational basis, the installation test prescribed by Subpart 94.35 of this chapter need not be made.

(f) The fuel tanks of all motor-propelled lifeboats must be emptied and the fuel changed at least once in very year.

(g) Each vessel having a sufficient number of lifeboats on each side to accommodate all persons on board may provide maintenance for its lifeboats at sea, as long as enough lifeboats, sufficient to accommodate all persons on board, are fully equipped and ready for use at all times.

(h) Each inflatable liferaft must be serviced at an approved service facility every 12 months or not later than the next inspection for certification as long as the time since the last servicing does not exceed 15 months.

(i) Except in an emergency, servicing of an inflatable liferaft may not be done on board a vessel.

§ 135.61 Firefighting equipment.

(a) The master must ensure that the vessel's firefighting equipment is at all times ready for use and that all firefighting equipment is provided, maintained, and replaced as indicated.

(b) The master must require and have performed at least once in every 12 months the tests and inspections of all hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing sytems on board, as described in Tables 130.34(a) and 130.34(b) of this subchapter.

(c) The master must keep records of these tests and inspections showing the dates when performed, the number or other identification of each unit tested and inspected, and the name of the person or company conducting the tests and inspections. These records must be made availabe to the inspector upon request and must be kept for the period of validity of the vessel's current certificate of inspection.

(d) The conduct of tests and inspections required by this section does not relieve the master of his responsibility to maintain the firefighting equipment in proper condition at all times.

§ 135.64 Emergency Position Indicating Radiobeacon (EPIRB).

The master must ensure that each EPIRB, other than an EPIRB in an inflatable liferaft—

(a) Is tested monthly, using the integrated test circuit and output indicator, to determine whether it is operative; and

(b) Has its battery replaced—

(1) Immediately after each time the EPIRB is used; and

(2) Before the marked expiration date.

Subpart E—Logbook Entries

§ 135.67 Logbooks and records.

(a) Under various statutes or by regulations in this subchapter, vessels engaged in all trades, with the exception of vessels engaged exclusively in trade on rivers of the United States, must have certain logbooks or records, and, when the occasion arises, the master must make specific entries as required by law or regulations in this chapter.

(b) R.S. 4290, as amended (46 U.S.C. 201), states: "Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of 75 tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, must have an Official Logbook; * * *."

(c) The Official Logbook is furnished gratuitously to masters of United States' flag vessels by the Coast Guard, as Form CG–706B or CG–706C, depending upon the number of persons employed as crew. The first several pages of this logbook lists various acts of Congress relating to logbooks and the entries required to be made therein.

(d) When a voyage is completed, or after a specified period of time is completed, the Official Logbook with required entries must be filed with the OCMI, at or nearest the port where the vessel may be.

(e) If an Official Logbook is not required, the owner, operator, or master may supply an alternate log or record for the purpose of making entries required by law or regulations in this

subchapter. This log or record is not filed with the OCMI, but must be kept available for review by a marine inspector for a period of one year after the date to which the records refer.

§ 135.70 Actions required to be logged.

The actions and observations listed below must be entered in the vessel's log book:

(a) Fire and Boat Drills. Weekly. See § 135.52.

(b) Steering Gear, Whistle, and Means of Communication. Prior to departure. See § 135.37.

(c) Drafts and Load Line Markings. Prior to leaving port; ocean and coastwise services only. See § 135.40.

(d) Periodic Sanitary Inspections. The results of periodic sanitary inspections made by the master. See § 135.43.

(e) Hatches and other openings. All openings and closings, or leaving port without closing. Except vessels on protected waters. See § 135.46.

(f) Emergency Lighting and Power Systems. Weekly and semi-annually. See § 135.49.

(g) Electric Power Operated Lifeboat Winches. Once every 3 months. See § 135.55.

(h) Cargo gear inspections. At least once a month. See § 91.37-70 of this chapter.

§ 135.73 Official log entries.

On a vessel that is required by R.S. 4290 (46 U.S.C. 201) to have an Official Logbook, all items relative to the crew and offshore workers, as well as with respect to any casualties that may occur, must be entered in the Official Logbook.

Subpart F—Work Vests

§ 135.76 Approved unicellular plastic foam work vests.

Each buoyant work vest carried on board must comply with Subpart 160.053 of this chapter.

§ 135.79 Use.

(a) An approved buoyant work vest is considered to be an item of safety apparel and may be carried on board to be worn by a crew member when working near or over the water under favorable working conditions.

(b) The vest may not be accepted in lieu of a life preserver.

(c) Work vests must not be worn during drills.

§ 135.82 Shipboard stowage.

(a) The master must ensure that no work vest is stowed where life preservers are stowed.

(b) Each space containing a work vest must be marked "WORK VEST".

Subpart G—Markings for Fire and Emergency Equipment

§ 135.88 General.

(a) This section prescribes markings necessary for the guidance of persons on board in case of an emergency. The markings may be modified or omitted, particularly on small vessels, if they are unnecessary because of specific circumstances, and if the OCMI approves.

(b) All stateroom notices, directional signs, etc., must be printed in English and in other languages appropriate to the service of the vessel.

(c) Where in this subpart red letters are specified, letters of a contrasting color on a red background are acceptable.

§ 135.91 General alarm bell switch.

The general alarm bell switch in the pilothouse must be clearly and permanently identified by lettering on a metal plate or with a sign in red letters on a suitable background: "GENERAL ALARM."

§ 135.94 General alarm bells.

Each general alarm bell must be identified by red lettering at least ½ inch high: "GENERAL ALARM—WHEN BELL RINGS GO TO YOUR STATION."

§ 135.97 Carbon dioxide alarm.

Each carbon dioxide alarm must be conspicuously identified: "WHEN ALARM SOUNDS—VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED."

§ 135.100 Fire extinguishing system branch lines.

The branch line valves of all fire extinguishing systems must be plainly and permanently marked indicating the spaces served.

§ 135.103 Fire extinguishing system controls.

The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems must be distinctly marked in conspicuous red letters at least 2 inches high: "CARBON DIOXIDE FIRE APPARATUS," or "FOAM FIRE APPARATUS" as the case may be.

§ 135.106 Fire hose stations.

Each fire hydrant must be identified in red letters and figures at least two inches high "FIRE STATION NO. 1," "2," "3," etc. Where the hose is not stowed in the open or behind glass so as to be readily seen, this identification must be so placed as to be readily seen from a distance.

§ 135.109 Hand portable fire extinguishers.

(a) Except as provided in paragraph (b) of this section, each hand portable fire extinguisher must be marked with a number and the location where stowed must be marked with a corresponding number at least ½ inch high.

(b) If only one type and size of hand portable fire extinguisher is carried, the numbering may be omitted.

§ 135.112 Emergency lights.

Each emergency light must be marked with a letter "E" at least ½ inch high.

§ 135.115 Instructions for changing steering gear.

(a) Instructions in at least ½ inch letters and figures must be posted in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear.

(b) The instructions must indicate each clutch or pin to be "in" or "out" and each valve or switch that is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped.

(c) The instructions must specify that all steering wheels and rudders must be amidships before changing gears.

(d) Each clutch, gear, wheel, lever, valve, or switch that is used during the changeover must be numbered or lettered on a metal plate or painted so that the markings can be recognized at a reasonable distance.

§ 135.118 Rudder orders.

At each steering station, there must be installed a suitable notice on the wheel or device or in some other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and for "left rudder."

§ 135.121 Lifeboats and rescue boats.

(a) The name of the vessel must be plainly marked or painted on each side of the bow of each lifeboat and rescue boat in letters not less than 3 inches high.

(b) The number of each lifeboat must be plainly marked or painted on each side of the bow of each lifeboat in figures not less than 3 inches high. The lifeboats on each side of the vessel must be numbered from forward aft, with the odd numbers on the starboard side.

(c) The cubical contents of and the number of persons allowed to be carried in each lifeboat must be plainly marked or painted on each side of the bow of each lifeboat in letters and numbers not less than 1½ inches high. In addition, the number of persons allowed must be plainly marked or painted on top of at

least 2 thwarts in letters and numbers not less than 3 inches high.

(d) All oars must be conspicuously marked with the vessel's name.

§ 135.124 Inflatable liferafts and life floats.

(a) Each life float, together with its oars and paddles, must be conspicuously marked with the vessel's name.

(b) The number of persons allowed on each life float must be conspicuously marked or painted thereon in letters and numbers at least 1½ inches high.

(c) The following statement must be stenciled in a conspicuous place in the immediate vicinity of each inflatable liferaft:

INFLATABLE LIFERAFT NO. ———

——— PERSONS CAPACITY

These markings must not be placed on the inflatable liferaft containers.

§ 135.127 Life preservers, ring life buoys, and exposure suits.

Each life preserver, ring life buoy, and exposure suit must be marked with the vessel's name.

§ 135.130 Fire hose and axes.

Each fire hose and axe must be marked with the vessel's name.

§ 135.133 Portable magazine chests.

Each portable magazine chest must be marked in letters at least 3 inches high: "PORTABLE MAGAZINE CHEST—FLAMMABLE—KEEP LIGHTS AND FIRE AWAY."

§ 135.136 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required by § 129.25 of this subchapter must be marked with the vessel's name.

§ 135.139 Watertight doors and watertight hatches.

Each watertight door in a bulkhead required to be made watertight to comply with the requirements in Part 128 of this subchapter, and each watertight hatch, must be marked on both sides in at least 1-inch letters: "WATERTIGHT DOOR—KEEP CLOSED EXCEPT DURING TRANSIT" or "WATERTIGHT HATCH—CLOSE IN EMERGENCY".

Subpart H—Markings on Vessels

§ 135.142 Hull markings.

Each vessel must be marked as required by Parts 67 and 69 of this chapter.

§ 135.145 Draft marks.

(a) Each vessel must have the draft of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at any place at the stern of the vessel as may be necessary for easy observance. The draft must be taken from the bottom of the keel at the marks to the surface of the water. The bottom of the mark indicates the draft in feet.

(b) In cases where the keel does not extend forward or aft to the location of the draft marks, due to raked stem or cut away skeg, the datum line from which the draft is taken must be obtained by projecting the line of the bottom of keel forward or aft, as the case may be, to the location of the draft marks.

(c) If a vessel has a skeg or other appendage extending below the line of the keel, the draft at the end of the vessel adjacent to that appendage must be measured to a line tangent to the lowest part of the appendage and parallel to the line of the bottom of the keel.

§ 135.148 Load line marks.

Each vessel assigned a load line must have the deck line and the load line marks permanently scribed or embossed as required by Subchapter E of this chapter.

Subpart I—Miscellaneous

§ 135.151 Statutory penalties.

(a) The marine safety and criminal laws provide penalties for the violation of the applicable provisions of this subchapter. Penalty proceedings include the following:

(1) Assessment and collection of civil monetary penalty.

(2) Criminal prosecution where no loss of life results.

(3) Criminal prosecution for manslaughter where loss of life results from violation of statute or regulation or from misconduct, negligence, or inattention to duty.

(4) Libel against vessel.

(b) In addition to the foregoing, any licensed or certificated personnel committing an act of misbehavior, negligence, unskillfulness, endangering life, violation of marine safety statutes or regulations or requirements thereunder, and incompetency is subject to proceedings under the provisions of 46 U.S.C. 239 with respect to suspension or revocation of license or certificate.

§ 135.154 Notice to mariners and aids to navigation.

Masters and mates must acquaint themselves with the latest information published by the Coast Guard and the U.S. Navy regarding aids to navigation.

§ 135.157 Persons allowed in pilothouse and on navigation bridge.

Only persons connected with the navigation of the vessel may be in the pilothouse while underway, unless authorized by the master or mate on watch.

§ 135.160 Manning requirements.

Each vessel must be manned in accordance with the requirements in Subchapter P of this chapter.

§ 135.163 Reckless or negligent operators prohibited by law. [Reserved]

§ 135.166 Compliance with provisions of certificate of inspection.

The master of the vessel must ensure compliance with all of the provisions of the certificate of inspection. Nothing in this subchapter is to be construed as limiting the master of the vessel from diverting from the route prescribed in the certificate of inspection or from taking other steps necessary and prudent to assist vessels in distress or for other similar emergencies.

§ 135.169 Prevention of oil pollution.

Each vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (33 U.S.C. 1011) until its repeal and replacement by 33 U.S.C. 1901–1911 and the MARPOL Protocol; and

(c) 33 CFR Parts 151, 155, 156 and 159.

§ 135.172 Portable tanks.

(a) A portable tank autorized in accordance with § 125.10 of this subchapter must be loaded and stowed in accordance with the requirements in 49 CFR Subchapter C.

(b) A marine portable tank authorized in accordance with § 125.10 of this subchapter must be loaded and stowed in accordance with the requirements in Subparts 98.30 and 98.35 of this chapter.

§ 135.175 Packaged freight.

Packaged freight, if carried, must be loaded and stowed in accordance with the requirements in 49 CFR Subchapter C.

§ 135.178 Display of plans.

Each vessel must have permanently exhibited, for the guidance of the master and crew, general arrangment plans showing for each deck the various fire-retardant bulkheads together with particulars of the—

(a) Fire detection systems;

(b) Manual alarm systems;

(c) Fire extinguishing systems;

(d) Fire doors;

(e) Means of ingress to the different compartments; and

(f) Ventilating systems including the—

(1) Positions of the dampers;

(2) Location of the remote means of stopping fans; and—

(3) Identification of the fans serving each section.

§ 135.181 Posting placards of instructions for launching and inflating inflatable liferafts.

(a) Each vessel equipped with an inflatable liferaft must have posted, in conspicuous places that are regularly accessible to the crew or offshore workers, approved placards containing instructions for launching and inflating inflatable liferafts. The number and location of these placards must be as determined necessary by the OCMI.

(b) Under the requirements contained in § 160.051-6(c)(1) of this chapter, the manufacturer of approved inflatable liferafts is required to provide approved placards containing these instructions with each liferaft.

§ 135.184 Placard of lifesaving signals, helicopter recovery procedures, and breeches buoy instructions.

Each vessel must have posted in the pilothouse a placard (Form CG-811) containing instructions for the use of breeches buoys, helicopter recovery procedures, and the lifesaving signals as set forth in Regulation 16, Chapter V, of the International Convention for Safety of Life at Sea, 1974. These signals must be used by vessels or persons in distress when communicating with lifesaving stations and maritime rescue units.

§ 135.187 Exhibition of license.

Each master and licensed officer on a vessel must have his or her license conspicuously displayed as required by R.S. 4446, 46 U.S.C. 232.

§ 135.190 Use of auto pilot.

When the automatic pilot is used in areas of high traffic density, conditions of restricted visibility, or any other hazardous navigational situations, the master must ensure that—

(a) It is possible to immediately establish manual control of the ship's steering;

(b) A competent person is ready at all times to take over steering control; and

(c) The changeover from automatic to manual steering and vice versa is made by, or under, the supervision of the master or officer of the watch.

§ 135.193 Whistling.

The unnecessary sounding of the vessel's whistle is prohibited within any harbor limits of the United States.

§ 135.196 Unauthorized lights.

The master must not authorize or permit the carrying of any lights not required by law that in any way will interfere with the distinguishing of the navigation lights.

§ 135.199 Searchlights.

No person may flash or cause to be flashed the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel underway.

§ 135.202 Lookouts.

Nothing in this part exonerates any master or officer of the watch from the consequences of any neglect to keep a proper lookout, to maintain a proper fire watch, or from any neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case. When circumstances require it, additional watches must be maintained to guard against fire or other danger and to give an alarm in case of accident or disaster.

§ 135.205 Rescue boat.

The master must ensure that each inflatable rescue boat is kept fully inflated at all times.

PART 136 [RESERVED]

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OFFICE OF MANAGEMENT AND BUDGET

Implementation of Executive Order 12372, Intergovernmental Review of Federal Programs; Public Meeting

AGENCY: Office of Management and Budget; in conjunction with the following Departments: Agriculture; Commerce; Defense (including the Corps of Engineers); Education; Energy; Health and Human Services; Housing and Urban Development; Interior; Justice; Labor; State; Transportation; and Treasury; and in conjunction with the following agencies: ACTION; Environmental Protection Agency; Equal Employment Opportunity Commission; Federal Emergency Management Agency; General Services Administration; National Aeronautics and Space Administration; National Endowment for the Arts; National Endowment for the Humanities; National Science Foundation; Office of Personnel Management; Postal Service; Small Business Administration; Tennessee Valley Authority; and the Veterans Administration.

ACTION: Notice of public meeting and solicitation of views.

SUMMARY: Executive Order 12372, "Intergovernmental Review of Federal Programs," was signed by President Reagan on July 14, 1982. On January 24, 1983 all but two (the Department of Housing and Urban Development and the Tennessee Valley Authority) of the federal departments and agencies listed above either published a notice proposing that their programs and activities not be subject to the provisions of the Executive Order or a Notice of Proposed Rulemaking in the **Federal Register.** The two agencies not publishing on January 24, 1983 are publishing their proposed rules in subsequent editions of the **Federal Register.** The Office of Management and Budget (OMB) published a notice on December 23, 1982 announcing the availability of a document on regulatory policy issues and decisions for Executive Order 12372 (47 FR 57369), and on January 27, 1983 published a notice reprinting a letter sent by the Director of OMB to each state and territorial governor (48 FR 3929).

In the January 24, 1983 **Federal Register,** OMB announced that a meeting on the proposed implementation of the Executive Order would be held on March 2, 1983 in Washington, D.C. This notice provides further information on the location, time, format, and agenda of this meeting as well as procedures for oral and written presentations. Please note that no other public meetings are scheduled to be held either by OMB or any of the agencies listed above during the public comment period for the notices implementing E.O. 12372.

Date, Time, and Location of Meeting

The meeting will be held on March 2, 1983 in the Auditorium of the General Services Administration Building, 18th and F Streets N.W., Washington, D.C. The morning session will include a general briefing on the policies underlying the Executive Order. Following the briefing, at approximately 11:00 AM, a panel of OMB and agency representatives will receive views and respond to questions on the general implementation of the Executive Order. The morning session will be held from 9:00 AM until 12:00 noon.

During the afternoon session, views on particular aspects of the individual agency rules will also be received. Following the presentation of views by interested commenters, that portion of the session related to the proposed rules will adjourn.

Following a brief recess, the session will conclude with a colloquy by representatives of several state and local governments on their implementation activities.

The afternoon period for receiving comments will begin at 1:30 PM and is scheduled to end at 3:30 PM. The colloquy is expected to begin at approximately 3:30 PM and end at 4:30 PM; however, the exact schedule depends on the amount of time needed for presenters to give their views.

Presentation of Views at Meeting

You may appear to make an oral presentation on both the general approach as well as on any of the individual agency proposed rules. The presentation(s) may be on your own behalf or as a representative of any entity or any interested group, whether public or private. If you wish to provide oral testimony, you should notify Ms. Karen Dooley by telephone at (202) 395-6911 or in writing by February 25, 1983 to Ms. Winnie Austermann at the address below. Please indicate whether your views relate to general policy issues, specific agency rules, or both. Oral presentations will generally be limited to five minutes. A written summary of the oral presentation should be provided to the session moderator at the meeting; an advance copy would be desirable.

FOR FURTHER INFORMATION CONTACT: Ms. Winnie Austermann, Office of the Deputy Associate Director for Intergovernmental Affairs, Office of Management and Budget, Room 10235, 726 Jackson Place N.W., Washington, D.C. 20503. Phone (202) 395-3050. For information on the individual agency notices, contact the person listed in the appropriate agency document in the January 24, 1983 **Federal Register.**

Dated: February 9, 1983.

Harold I. Steinberg,

Associate Director for Management.

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Monday
February 14, 1983

Part IV

Department of the Interior

National Park Service

Land Protection Plans; Proposed Interpretive Plans

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Ch. I

Land Protection Plans

AGENCY: National Park Service, Interior.

ACTION: Proposed interpretive rule; request for comments.

SUMMARY: The National Park Service is developing instructions for the preparation of land protection plans and providing the list of National Park System units expected to be preparing these plans during Fiscal Year 1983. These plans are being prepared in response to the Department of the Interior's policy for the Federal Portion of the Land and Water Conservation Fund (47 FR 19784). The public is inivited to comment on the proposed instructions and participate in the planning process for individual areas.

DATES: Comments on the proposed instructions should be submitted by March 16, 1983.

ADDRESS: Comments should be addressed to Director, National Park Service (Attn: 130), Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Donald Humphrey or Warren Brown, Office of Park Planning and Environmental Quality, National Park Service, Washington, D.C. 20240 (202) 343-9377.

SUPPLEMENTARY INFORMATION: On May 7, 1982 the Department of the Interior published a new final policy statement on Use of the Federal Portion of the Land and Water Conservation Fund (47 FR 19784). In response to this policy, the National Park Service has, by notice in the **Federal Register** on January 3, 1983, (48 FR 85) withdrawn its 1979 land acquisition policy and guideline (44 FR 24790), and is beginning the preparation of land protection plans consistent with the instructions printed below.

These plans will be prepared for each unit in the National Park System containing non-Federal land or interest in land within its authorized boundary. Priority is being given to those areas with current appropriations. Approximately one-third of all plans are scheduled for completion by September 30, 1983, one-third by September 30, 1984, and the remaining plans will be completed by September 30, 1985.

Each individual plan will be prepared in compliance with the National Environmental Policy Act and other applicable legislation, regulations, executive orders, and Departmental and Service directives. In some cases compliance requirements will already have been met in previous planning documents. The planning process will include consultation with the Fish and Wildlife Service where proposed actions may have an impact on endangered species, and the Advisory Council on Historic Preservation where actions may impact historic resources.

1. *Environmental Effects:* The action being taken in adopting these instuctions will establish a general format and approach for completing these plans. Each plan will consider various alternatives for carrying out the purposes of the area as authorized by Congress and will, as necessary, consider environmental implications associated with implementation of the plan. The preparation of individual plans will guide future actions to protect unit resources. The development of instructions for land protection planning has no potential for significant effect on the human environment and is categorically excluded from the procedural requirements of the National Environmental Policy Act. Once again, environmental compliance will occur at the individual land protection plan level.

2. *Statement of Effects:* The Department of the Interior has determined that these interpretive instructions are not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. National Park Service land protection is carried out under authorizing legislation for each area and annual appropriations acts. These instructions and individual land protection plans will provide landowners with more current information about NPS intentions for buying land or protecting it through other methods.

3. *Paperwork Reduction Act:* These interpretive instructions do not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

4. *Authorship Statement:* This document has been prepared by the National Park Service within the Department of the Interior. Principal authors are Donald Humphrey and Warren Brown.

Public Participation: The public was invited to comment on the proposed Departmental policy statement which was published in the **Federal Register** of March 18, 1982 (47 FR 11777). The final Departmental policy statement was published on May 7, 1982 (47 FR 19784). These instructions implement that policy. Comments on the proposed instructions for plan preparation may be submitted to the address above by March 16, 1983. Individuals and organizations interested in being involved in the planning process for any specific unit should contact the Regional Director or the Superintendent at the addresses given in Appendix A.

In response to recommendation in House Report 97-978 on Interior Appropriations for Fiscal Year 1983, the planning process is being initiated as quickly as possible, and contacts with individual units should be made promptly. Specific guidelines concerning the period prior to final adoption of these instructions are being prepared and will be available upon request. Further notices and opportunities for public involvement will be handled at the regional and local levels. Pending completion of a land protection plan, discretionary acquisition actions in any individual unit of the National Park System are being reviewed on a case-by-case basis. These reviews are to assure that: (1) Acquisition proceeds in an orderly and timely manner as intended by Congress; (2) appropriated funds are used to protect high priority tracts and address hardships, emergencies and sites needed for administrative use, and (3) the interests to be acquired are those necessary to achieve unit purposes as established in authorizing legislation. Case-by-case reviews will be conducted in a timely manner to avoid unnecessary delays in the obligation of appropriated funds. When a land protection plan has been approved, acquisitions will proceed consistent with priorities identified in the plan.

Land Protection Plan Instructions

Background

Under a policy and guideline adopted in 1979 (44 FR 24790) the National Park Service prepared land acquisition plans for approximately 120 areas. A new policy statement on land protection was adopted by the Department of the Interior on May 7, 1982 (47 FR 19784). Under this new policy, land acquisition plans will be revised or replaced by land protection plans by September 30, 1985. The following instructions for land protection plans will supercede directions in the 1979 policy statement on how to prepare land acquisition plans.

Requirements

Land Protection Plan will be prepared by the appropriate National Park Service Superintendent for each unit in the National Park System which

contains private or other non-Federal land or interest in land within its authorized boundary. Priorities for preparing plans will be established considering available or possible funding for acquisition, the amount of non-Federal land within the authorized boundary, and the potential for impacts on unit resources. The scope of the planning effort generally should be commensurate with the potential impacts to resources, complexity of the problems, and the amount of land requiring protection.

Purposes of the Plan

The guiding principle of each Land Protection Plan must be to ensure the protection of that unit of the National Park System consistent with the stated purposes for which it was created and administered. Each Superintendent has a duty to know the resources in question and to seek their protection consistent with those purposes. These instructions are designed to assist in meeting those objectives.

Land protection plans are prepared to:

1. Determine what land or interest in land need to be in public ownership, and what means of protection other than acquisition are available to achieve unit purpose as established by Congress.
2. Inform landowners about NPS intentions for buying or protecting land through other means within the unit.
3. Help managers identify priorities for making budget requests and allocating available funds to protect land and unit resources.
4. Find opportunities to help protect the unit by cooperating with state or local governments, landowners, and the private sector.

Coordination: Land protection plans are prepared as part of the unit's overall general management planning process and should be fully coordinated with other plans. The protection plan should be developed after a statement for management or general management plan (GMP) has been prepared. If an approved GMP has not been completed, the land protection plan may be prepared concurrently with the general management planning effort.

Where the land protection plan is prepared as a separate document, it becomes an action element of the general management plan when approved.

Public Involvement: The land protection plan will be prepared with public involvement. Property owners, State and local governments, and interested parties must be provided notice (individual notice should be provided when feasible) when the planning effort is initiated and given an opportunity to comment on the alternatives under consideration. The format for public involvement will be specified in the task directive which is approved by the Regional Director.

Environmental Compliance: Land Protection plans will be prepared in compliance with applicable requirements of the National Environmental Policy Act (NEPA) and other laws or administrative directives. Specific compliance requirements for each area will depend upon the potential significance of environmental consequences. Some plans are expected to be categorically excluded from the NEPA process, others will require an environmental assessment, and some may require an environmental impact statement. Determinations about compliance requirements will usually be made at the regional level, in consultation with the Washington Office as necessary. Compliance documentation should include the extent of proposed changes in land use and potential impacts on unit resources or the surrounding community from the alternatives recommended by the land protection plan.

Compliance requirements for land protection plans being prepared as part of a General Management Plan effort should be covered in the GMP compliance. Where NEPA compliance is required for a land protection plan, an environmental assessment will be prepared as a separate, but attached document. The environmental assessment may reference the alternatives and proposal in the land protection plan, making it possible for the document to be essentially an analysis of environmental consequences and a list of persons consulted. National Park Service guidelines for environmental compliance are found in NPS-12 (National Park Service NEPA Compliance Guideline).

Endangered Species: The Regional Office should contact the U.S. Fish and Wildlife Service regional endangered species staff when planning begins for a specific area and arrange for any necessary consultation early in the planning process to determine if there are any potential effects on any endangered species. If a biological assessment is necessary, it will be incorporated into the environmental document released with the plan for public review and arrangements will be made with the Fish and Widlife Service for the preparation of a biological opinion.

Notification of Advisory Council on Historic Preservation and the State Historic Preservation Officer (SHPO): The Regional Director will be responsible for sending the Advisory Council and the SHPO a letter transmitting a copy of each task directive as it is approved inviting the Council and SHPO to participate in the development of the plan, as required by the 1981 amendment to the Programmatic Memorandum of Agreement. By that agreement the Council and the SHPO foreclose their opportunity to object to the selected alternative if they fail to participate in plan development. The Council and the SHPO shall be notified that they have 30 calendar days in which to express in writing their intent to participate.

Responsibilities: The Superintendent is responsible for the preparation and recommendation of the unit's land protection plan. The Regional Director is responsible for scheduling and monitoring the preparation of land protection plans by interdisciplinary teams including planners and realty specialists, and for approving them. Plans will be reviewed concurrently by the unit, region, and Washington Office. Comments compiled during the Washington Office review will be forwarded to the Regional Director for consideration prior to his or her approval of a plan. The time allocated for WASO review will be 30 days from the date of receipt in the Office of Park Planning and Environmental Quality. The regional or field solicitor should be consulted as necessary throughout the planning process and should review proposed plans for legal sufficiency.

Task Directive: The scope of the planning effort should be defined as soon as possible in a task directive. This very brief internal working document should list major issues to be discussed, outline alternatives to be considered, establish schedules for interim and final products allowing time for reviews, and assign responsibilities for completing the tasks.

The task directive also should identify the type of public involvement, environmental compliance, special expertise requirements, coordination with other plans, and any additional guidance needed from the Regional Director or Washington Office for the planning effort. The task directive will be prepared by the Superintendent and planning team and approved by the Regional Director.

Updates: The Superintendent will review the plan on a biennial basis, and revise it as necessary to reflect changes in conditions. Once approved, land protection plans may be amended or revised, generally following the processes for General Management Plans as outlined in NPS-2 (Planning

Process Guideline). If the plan is to be amended, the extent of review and public participation may be adjusted to reflect the scope of the amendment. The Superintendent is responsible for determining if an update is required and for recommending the scheduling of necessary revisions.

Format: Formats for land protection plans may be adjusted to fit special circumstances, but must address the following points:

I. Introduction

(a) Brief summary of Departmental and NPS policies for land protection and relevant legal authorities.

(b) Explanation of why the plan is being prepared and major issues to be addressed.

(c) Statement that the plan does not constitute an offer to purchase land or interests in land, that it will generally guide subsequent activities subject to availability of funds and other constraints, and that it does not diminish the rights of non-Federal landowners.

II. Purpose of the Unit and Resources To Be Protected

(a) A brief statement of the purpose of the unit as contained in the authorizing legislation, GMP, or statement for management.

(b) A brief description of the significance of the area and the resources to be protected.

(c) Special legislative, administrative, or congressional directives or constraints on acquisition, appropriations ceiling, mandated acquisition periods, etc. and a history of the unit's growth including boundary changes, ceiling increases, other factors relevant to the protection of the unit's resources.

(d) A brief description of planned resource management and visitor use objectives and activities by zone or subzone as contained in the General Management Plan, resources management plan, etc.

III. Non-Federal Ownership and Uses

(a) Description of private and other non-Federal ownership and uses of land and interests within unit boundaries and the character of these lands (developed, undeveloped, and as relevant, the terrain, vegetation, relation to water bodies, roads, boundaries, communities, etc.). Maps should include a State map showing location of the unit; a regional map showing relationship to adjacent lands including, where relevant, existing protection and uses of these lands; and a map of the unit showing tracts, acreage and ownerships. (If there is a large number of tracts, the map may aggregate tracts by such useful groupings as type of ownership, use, level of development, etc.).

(b) Description of existing and potential uses of non-Federal lands which would be compatible or incompatible with planned management actions.

(c) External conditions and activities that have a direct bearing on the protection of land within unit boundaries and an assessment of their impact on protection efforts.

(d) Identification of Federal, State, and local laws or authorities which currently provide some resource protection or allow for planned management activities.

(e) A listing of the number of acres acquired by all means, the number of improvements acquired, the numbers and types of interest retained by sellers including, where involved, the term of years and other relevant information regarding retained right of use and occupancy, the number of acres and tracts of land and interests in land acquired by Federal purchase, donation or exchange; the present acquisition ceiling including dates and amounts of previous ceilings; the amount of money in the authorized ceiling expended to date; the amount of money appropriated and available for expenditure; the number of properties acquired through condemnation, declaration of taking, and the number of properties presently in condemnation.

(f) A general discussion of the relationship of landowners to social and cultural resources of the unit and of social, cultural, economic, and institutional relationships with nearby communities and political subdivisions; important folkways or activities that contribute to the creation, maintenance or protection of the unit's cultural resources; whether landowners are, for instance, corporations or individuals, long-term or short-term owners and known plans for changes in land use, if any.

IV. Protection Alternatives

(a) Description of reasonable alternative methods for protecting land to carry out the purpose of the unit. (See "Protection Alternatives" below).

(b) Explanation of the circumstances, conditions and requirements affecting the application of each alternative.

(c) Analysis of the effectiveness of each alternative to protect unit resources.

(d) Assessment of the social and cultural impacts of each alternative on non-Federal landowners as well as social and economic impacts on community life (environmental impacts will be assessed in a separate but attached document).

V. Recommendations

(a) Describe the rationale and list priorities for protection by tract or other reasonable aggregated areas or categories, considering the importance of resource protection, visitor use, administrative purposes, etc.

(b) Identify categories of land and rationale for protection:

—by means other than acquisition
—by acquisition of less-than-fee interests
—by acquisition of fee

(c) Discuss proposed methods of acquisition including donation, exchange, transfer, withdrawal, purchase, or condemnation.

(d) Identify land adequately protected under existing ownership and not requiring any NPS protection efforts.

VI. Appendices (as Necessary)

(a) Maps and black and white photographs should be used wherever necessary to improve understanding of the contents of the land protection plan. These may be included in the text (see III(a) above) or the Appendices. Special photo albums (for review purposes only) may be provided at the the unit, the Regional Office and other official review sites.

(b) Listing by priority ranking or grouping, where feasible, of individual tracts showing tract number, name of owner, acreage, proposed protection method (cooperative agreement, zoning, fee or less-than-fee acquisition etc.) and specific reason for protection (i.e., an easement to "protect the historic scene and permit continued farm use" in an historical area).

(c) Copies of authorizing legislation

(d) Sample documents (Easement provisions, agreements, notices to local governments etc.)

(e) One page statistical summary of plan (acres, methods of protection, highlights of III(e)).

Although all plans should follow these analytical steps, some may be very brief and all sould place primary emphasis on sections IV and V rather than repeating information already contained in the General Management Plan or other plans.

Policy and Legislative Changes

The analysis of alternatives and recommendations should be developed on the basis of current authorities and policies. However, the land protection plan may reveal the need for changes in unit boundaries, protection authorities,

or management policies. The plan must recognize that changes in legislation or policy can only be accomplished through Service planning processes and Departmental or Congressional channels. The analysis of alternatives may include various contingencies for what will be done if such new policies or authorities become available, but suggestions for major changes should be included in the Superintendent's memorandum to the Region and in the Regional Director's memorandum transmitting the plan to Washington and processed through amendment or revision to the General Management Plan or other appropriate procedures.

Land Protection Plans should be developed with special attention to the following issues relating to private ownership within unit boundaries and analysis of alterntive methods for protecting land.

Private Ownership Within Unit Boundaries

Boundaries for units of the National Park System are not always drawn exclusively on the basis of natural or cultural features or clear determinations of resource significance. Consequently, not all of the land within a unit boundary may require the same type or level of protection to achieve the purpose of the unit. Plans which call for NPS to assume management responsibility for lands currently in private or other ownership should be able to document that these lands are needed for resource protection and visitor use purposes that cannot be accomplished without Federal acquisition of these lands or interest in these lands. (See Format, Parts II, IV, V, and VI).

Short and Long Term Needs

In considering protection options, the plan should recognize the difference between needs for interim protection and long term objectives for the unit. Some areas have a long term objective of restoring natural systems to their condition prior to human settlement. However, with appropriate controls, it may be possible and, in fact, desirable to allow continued compatible private uses of the land for a specific period of time without adverse impacts on the long term mission of the unit.

In many areas, private uses of the land may contribute to the purposes of the unit by providing visitor services, reducing requirements for maintenance, reducing costs for management or continuing traditional activities that are part of the resource to be protected, particularly in areas of cultural value. The land protection plan should indicate what private uses need to be continued, controlled, or eliminated to meet long range goals of the unit. Interim private use may be provided by deferral of acquisition, right of first refusal, acquisition subject to reservation of use and occupancy, or by purchase followed by leaseback, sellback with deed restrictions.

Protection Alternatives

Direct NPS acquisition and management of land may not be the only effective or desirable method of protecting unit resources in all cases. *Land protection plans must document that other approaches have been fully considered.* The plan must identify specific protection methods and assess the ability of various alternatives to achieve management objectives. This includes attention to the following types of methods:

Agreements

Agreements are legal instruments defining administrative arrangements between two or more parties. They can provide for exchange of services of other benefits. Within unit boundaries, agreements are most likely to be useful for land owned by:

- State or local governments
- Private non-profit organizations (scout troops, churches, land trusts or conservation groups
- Other federal agencies
- Individuals or corporations who are supportive of unit purposes, in areas where such agreements are specifically authorized by law.

The terms of an agreement can include provisions for:

- Limited NPS access to manage natural or cultural resources
- Shared responsibility for maintenance of structures or facilities
- Public access for recreation or interpretation
- Conditions for management of wildlife or other resources
- Law enforcement

For example, land administered by the Coast Guard and Navy in Channel Islands National Park can be managed for unit purposes under an agreement which grants NPS access yet continues the defense and coastal security uses of the islands. NPS directives and the Federal Grants and Cooperative Agreement Act of 1977 (Pub. L. 95-224) establish some important distinctions among contracts, cooperative agreements, and memoranda of understanding. The land protection plan should outline the specific requirements to meet NPS management needs and other types of provisions to be included in an agreement so that the appropriate legal instrument can be drawn up at a later date.

Zoning

Zoning is based on the power of State and local governments to protect public health, safety, and welfare by regulating the use of land. Within a unit of the National Park System, local zoning regulations can be used to limit the density, type, location, and the character of private development. Some authorizing legislation specifically requires cooperation between NPS and local governments in developing zoning regulations. In other areas, zoning should be considered when:

- Local government has a zoning ordinance in place or appears to be willing to adopt one
- There is evidence of State and local support for the protection objectives of the unit
- Some reasonable private use of the land is consistent with unit purposes
- Private land use needs to be controlled and managed rather than prohibited to meet unit objectives.

The land protection plan should be specific about what types of protection should be exercised through a zoning ordinance administered by the local government. This may include:

- Restrictions on the type of use; residential, commercial, industrial, agricultural, etc.
- Limits on the intensity of use; size of lots, height of buildings, number of units per acre
- Specific standards for design; requirements for set backs from property lines, number of parking spaces per unit, portion of lot to remain in open space.

The plan should take special care to consider what uses of land may be allowed under current zoning classifications which appear to meet NPS objectives as well as those which seem to conflict. For example, the zoning category of "recreation use" may allow for trailer parks, resort motels, and other development unlikely to be compatible with purposes of the unit. Land zoned for low density residential use may be more adequately protected in terms of unit objectives than land zoned for agricultural use where feed lots, timber operations, and other intense activities may be allowed automatically.

A few zoning ordinances allow for transfers of density or development rights from one tract to another. This tool is especially useful in jurisdictions where development can be concentrated

in areas already served by public utilities while undeveloped land is retained in low density uses. The land protection plan should consider if development should be prohibited, controlled, or concentrated in other locations. Where the location of new development is of primary concern, zoning and related TDR (transferable development right) programs are likely to be worthy of consideration in the protection plan.

Cooperation with state or local governments may be necessary to revise or prepare zoning regulations. The land protection plan should advise local governments about the types of zoning provisions which would be consistent with unit objectives. At the same time, the plan should recognize that zoning changes are often controversial and the NPS role should be defined with sensitivity to the potential for criticism of federal involvement in local land use regulation. Special expertise may be required to advise unit managers on complex zoning questions.

Local zoning has been criticized as a long term protection tool because of the potential for changes in local governing bodies, political pressures on decisions, and problems in enforcement of regulations. Land protection plans may suggest what steps could be taken to overcome some of these problems, or what contingency actions may be taken if zoning fails. Suggestions for NPS involvement in State or local zoning and other land use regulatory activities should be developed in close consultation with the Office of the Solicitor. In discussing zoning, the plan should give special attention to maintaining cooperative relationships with local governments rather than creating confrontations.

In limited instances where the state has ceded exclusive jurisdiction to the Federal Government within the boundaries of a National Park, or where otherwise authorized by law, the National Park Service may be able to exercise direct regulatory authority over private lands. In such cases, NPS would be acting like the local governing body in establishing limits on the type, density, and character of land use. This approach is most appropriate for developed areas within older established National Parks rather than a method of protecting new areas or undeveloped land.

Regulations

In addition to zoning, Federal agencies and state and local governments administer a variety of other laws that can help protect unit resources. The land protection plan will consider what regulatory authorities are available to control:

- Air and water pollution
- Dredging or filling of wetlands
- Hunting and fishing
- Tree cutting and forestry practices
- Resource extraction and excavation
- Construction in navigable waters
- Subdivision of land
- Development in flood hazard areas

Regulations cannot usually provide for public use, but they can prevent harm to natural or cultural resources. For example, Federal, state, and local regulations often impose strict limits on dredging or filling of wetlands which would destroy wildlife habitat or degrade water quality. Local subdivision and environmental regulations may restrict residential development that is not adequately served by roads, water, and sewage treatment facilities.

It is much more difficult for regulations to absolutely prohibit an activity than to simply limit the type, amount, or intensity of the activity. In units where the impact of development is already evident regulations are more likely to be effective in reducing adverse effects of major projects. In relatively pristine areas, regulations may be of little use in efforts to preserve natural systems from any intrusions of development. Regulations also are more likely to be effective where there is a good base of information about the impacts of certain activities on unit resources. For example, documentation that water pollution is destroying specific fish and wildlife populations will be helpful in efforts to enforce state or local regulations on the source of the pollutants.

A land protection plan should discuss the role NPS can play in assuring that regulations are effectively implemented. This could include cooperative efforts to identify and prosecute violators as well as technical assistance or review of permit applications.

Easement Acquisitions

Property ownership should be envisioned as a bundle of rights. These include the right to farm, cut trees, build houses, or extract resources and exclude others from it. Easements convey only some of the rights in property from one person to another. They may be positive: Giving a right of access, or negative: Restricting specific activities on the land. Easements are most likely to be useful where:

- Some, but not all private uses are compatible with unit purposes
- Current owners desire to continue current types of use and occupancy of the land under terms set by NPS
- Scenic values need protection, or access by the public or NPS is needed only over a portion of the land.

Easements are extremely flexible and can be drafted to fit the specific characteristics of the land as well as concerns of the owner. The protection plan should identify the types of conditions imposed by or uses which will be limited by an easement. These could include restrictions on:

- Tree cutting
- Excavation or grading
- Resource extraction
- Hunting or fishing
- Residential development
- Farming practices that erode the soil
- Grazing
- Commercial or industrial activities.

Restrictions need not be absolute; they may specify that the activity will be allowed by the unit manager subject to clearly defined conditions on the timing, intensity, or amount of the use.

The easement also could include positive provisions for:

- Public access along a river or trail
- NPS access to manage natural or cultural resources
- Utility rights of way.

Negative easements are often likely to be appropriate on developed properties where single family residential uses can continue without adverse impacts on public use of the unit. Negative easements also are useful in protecting scenic values of agricultural or forest land. The type of restrictions to be imposed can be as general or specific as necessary to meet protection needs. For example, an easement on a farm along a parkway or historic area could specify that no trees will be cut or structures built in a legally defined area unless consistent with clear standards in the easement. An easement on an historic building might specify that it will be maintained and painted only a certain color to match the character of the neighborhood, or preserve historic values.

Positive easements are likely to be most useful where the planned use by NPS or the public will not substantially interfere with other private uses of the land. Public access through land managed for farming or timber production is one example of a likely application for a positive easement. While some landowners may be receptive to selling less than their entire interest in land, others may prefer to sell in fee. The plan should indicate what factors will be considered in making the choice between fee and easement. These may include: Owner preference, relative costs, character of the site or the

resource, and plans for public use or other management requirements. In general, plans should give special attention to defining what interests in land are required to achieve unit purposes rather than leave the choice between fee and easement entirely to the property owner. The plan also should identify what special efforts might be necessary to inform landowners about possible advantages of owner imposed deed restrictions, easement sales and requirements for monitoring and enforcement of easement conditions. Plans proposing substantial use of easements should discuss any special staff, funding, or training needs to assure that easement conditions can be adequately managed and enforced.

There is no rule of thumb for determining whether easements are "too expensive" in relation to fee acquisition. Costs for purchasing easements will vary widely depending on how much potential uses of the land are limited and the local trends in development. Proposed easement programs must be evaluated on a case-by-case basis. In discussing costs of an easement program, the plan should balance all relevant factors:

Easements: Limited management control, purchase price, enforcement costs, benefits of continued private use, opportunities for public use, impact on local tax base.

Fee ownership: Full control over management, purchase price, maintenance expenses, payments in lieu of taxes, NPS liability for damages, patrol and enforcement expenses, opportunities for public use, development costs.

Fee Acquisition

When all of the interests in land are acquired, it is owned in fee-simple. Fee acquisition may be recommended when other methods of protection have been found to be inadequate, inefficient, or ineffective to meet management needs. Before recommending a protection strategy that relys entirely on fee purchases, *the plan should explain why other approaches are not adequate and why problems with these other approaches cannot be solved.* Fee acquisition is most often appropriate where the land:

- Is needed for development of unit facilities or heavy public use
- Must be maintained in pristine natural condition which precludes reasonable private use
- Requires intense NPS management to preserve historic and archeological resources, eliminate exotic species, or conduct other activities which substantially conflict with private use
- Is owned by individuals who do not wish to sell less-than-fee interests (sellback and lease back should be considered)
- Cannot be protected in accord with unit purposes by other methods, or alternatives would not be cost-effective.

Methods of Acquisition

NPS can acquire fee and less-than-fee interests through several different methods. These include:

- Purchase with donated or appropriated funds
- Withdrawal from the public domain
- Transfer from other federal agencies
- Donation
- Bargain sale
- Exchange
- Condemnation.

Plans for direct purchase should recognize the uncertainties about the level of annual appropriations by Congress. Transfers and withdrawals also usually require specific direction from Congress. Donations and exchanges depend upon a variety of factors not usually within the direct control of NPS. Consequently, the plan should discuss specific means of acquisition (i.e., donation, purchase or exchange) in general terms without attempting to define which individual tracts will be acquired by specific methods, unless some agreement has already been reached or the methods are specified in the authorizing legislation.

Landowners who have substantial taxable incomes would most likely be interest in a full donation. A bargain sale (partial donation) may be attractive to individuals or corporations which need some cash and some deductions from taxable income. The plan provides an opportunity to determine what special assistance may be necessary to inform landowners about the tax advantages of donations. The plan should not, however, attempt to offer tax advice, but may indicate what steps can be taken to encourage landowners to consult with their attorneys and accountants.

Exchanges should be considered where:

- NPS has identified potential trade lands under its own control (land outside of the current boundary acquired to avoid severance damages, for example).
- Land is located in the same state under other Federal agency jurisdiction.

In cases where the landowner wishes to sell fee but NPS needs a less-than-fee interest, a purchase and sell or lease-back arrangement should be considered. The land protection plan should identify those tracts where fee acquisition could be used initially to meet landowner objectives, and then the land could be leased, or resold with restrictions in the deed to meet NPS objectives. A discussion of timing for lease back or sell back and any necessary restrictions should be included in the plan.

Authorizing legislation for many areas provides that land also may be acquired subject to reservations of a right of use and occupancy. Reservations may be for a term of years or the life of the owner and must include restrictions to assure protection of unit resources. Rights to salvage structures or materials also may be reserved. The plan should specify what land or structures may be acquired subject to reservations as well as land which cannot be acquired with reservations, in accord with the area's legislation.

The plan should explain what circumstances may require the use of condemnation to acquire fee or less-than-fee interests in private property. These include simply resolving disagreements over fair market value and solving title problems as well as preventing uses which would harm unit resources. The plan should note any specific legislative directions on condemnation, recognize the distinction between inholding areas and recently authorized areas, and explain to landowners that condemnation is a judicial process to assure them of just compensation when private land is taken for public purposes.

The land protection plan should identify and special concerns about the actual process of acquisition which should be taken into consideration to minimize adverse impacts on landowners.

Emergencies and Hardships

It is not possible to predict in advance when landowners may be subject to hardships that require them to dispose of land or improvements in land, or to know when action by landowners may cause significant or irreparable damage to unit resources. Accordingly, both emergencies and hardships will be reviewed on a case-by-case basis as they arise and will not affect the overall setting of priorities in the preparation of land protection plans. Where authorizing legislation provides for special consideration to be given to hardships, appropriate reference to the

legislation should be included in the plan.

Appendix A

Alaska Region: John E. Cook Regional Director, National Park Service, 540 West 5th Avenue, Room 202, Anchorage, Alaska 99501 (907-271-4196)
Sitka NHP, P.O. Box 738, Sitka, AK 99835
Appalachian Trail: David Richie, Project Manager, Appalachian Trail Project Office, National Park Service, Harpers Ferry, West Virginia 25425 (304-535-2346)
Mid-Atlantic Region: James W. Coleman, Jr., Regional Director, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106 (215-597-7013)
Allegheny Portage RR NHS, National Park Service, P.O. Box 247, Cresson, PA 16630
Appomattox Court House NHP, P.O. Box 218, Appomattox, VA 24522
Assateague Island NS, Route 2, Box 294, Berlin, MD 21811
Colonial NHP, P.O. Box 210, Yorktown, VA 23690
Delaware Water Gap NRA, Bushkill, PA 18324
Fredericksburg & Spotsylvania NMP, P.O. Box 679, Fredericksburg, VA 22401
Friendship Hill NHS, c/o Fort Necessity Nat'l Battlefield, the National Pike, Farmington, PA 15437
Gettysburg NMP, Gettysburg, PA 17325
Hampton NHS, 525 Hampton Lane, Towson, MD 21204
Johnstown Flood N Memorial, P.O. Box 247, Cresson, PA 16630
Maggie L. Walker NHS, c/o Richmond Nat'l Battlefield Park, 3215 East Broad Street, Richmond, VA 23223
New River Gorge NR, P.O. Drawer V, Oak Hill, WV 25901
Pettersburg NB, P.O. Box 549, Petersburg, VA 23803
Richmond NBP, 3215 E. Broad Street, Richmond, VA 23223
Upper Delaware SRR, P.O. Box C, Narrowsburg, NY 12764
Valley Forge NHP, Valley Forge, PA 19481
Mid-West Region: Jim L. Dunning, Regional Director, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102 (402-221-3431)
Apostle Islands NL, P.O. Box 729, Bayfield, WI 54814
Cuyahoga Valley NRA, P.O. Box 158, Peninsula, OH 44264
Herbert Hoover NHS, P.O. Box 607, West Branch, IA 52358
Indiana Dunes NL, 1100 N. Mineral Springs, Porter, IN 46304
Lincoln Home NHS, 526 South 7th Street, Springfield, IL 62703
Lower Saint Croix, NSR, P.O. Box 708, Saint Croix Falls, WI 54024
Mound City Group NM, 16072 State Rt. 104, Chillicothe, OH 45601
Pictured Rocks NL, P.O. Box 40, Munising, MI 49862
Saint Croix NSR, P.O. Box 708, Saint Croix Falls, WI 54024
Scotts Bluff NM, P.O. Box 427, Gering, NE 69341
Sleeping Bear Dunes NL, 400 1/2 Main Street, Frankfort, MI 49635
Voyageurs NP, P.O. Drawer 50, International Falls, MN 56649
William H. Taft NHS, 2038 Auburn Avenue, Cincinnati, OH 45219
Wilsons Creek NB, Postal Drawer C, Republic, MO 65738
National Capital Region: Manus J. Fish, Jr., Regional Director, National Park Service, 1100 Ohio Drive, S.W., Washington, D.C. 20242 (202-426-5720
Antietam NB, P.O. Box 158, Sharpsburg, MD 21782
C & O Canal NHP, P.O. Box 4, Sharpsburg, MD 21782
Harpers Ferry NHP, P.O. Box 65, Harpers Ferry, WV 25425
Manassas NBP, P.O. Box 1830, Manassas, VA 22110
Monocacy NB, c/o C & O Canal NHP, P.O. Box 158, Sharpsburg, MD 21782
Piscataway Park, c/o National Capital Region—East, 5210 Indian Head Highway, Oxon Hill, MD 20021
North Atlantic Region: Herbert S. Cables, Jr., Regional Director, National Park Service, 15 State Street, Boston, Massachusetts 02119 (617-223-3769)
Adams NHS, P.O. Box 531, Quincy, MA 02269
Boston African American NHS, c/o Boston NHP, Charleston Navy Yard, Boston, MA 02129
Boston NHP, Charleston Navy Yard, Boston, MA 02129
Cape Cod NS, South Wellfleet, MA 02663
Fire Island NS, 120 Laurel Street, Patchogue, NY 11772
Gateway NRA, Floyd Bennett Field, Bldg. 69, Brooklyn, NY 11234
Home of FDR NHS, Hyde Park, NY 12538
Lowell NHP, 171 Merrimack Street, P.O. Box 1098, Lowell, MA 01853
Martin Van Buren NHS, P.O. Box 545, Kinderhook, NY 12106
Minute Man NHP, P.O. Box 160, Concord, MA 01742
Morristown NHP, National Park Service, Washington Place, Morristown, NJ 07960
Saint Croix Island NM, c/o Acadia National Park, Route 1, Box 1, Bar Harbor, ME 04609
Salem Maritime NHS, Custom House, Derby Street, Salem, MA 01970
Saratoga NHP, R.D. #1, Box 113-C, Stillwater, NY 12170
Springfield Armory NHS, One Armory Square, Springfield, MA 01105
Pacific Northwest Region: Daniel J. Tobin, Jr., Regional Director, National Park Service, 2001 6th Avenue, Seattle, Washington 98121 (206-442-5565)
Ebey's Landing NHR, c/o Pacific Northwest Regional Office, Westin Building—Rm. 1920, 2001 6th Avenue, Seattle, WA 98121
Fort Vancouver NHS, Vancouver, WA 98661
John Day Fossil Beds NM, 420 West Main Street, John Day, OR 97845
Lake Chelan NRA, Chelan, WA 98816
Mount Rainier NP, Tahoma Woods, Star Route, Ashford, WA 98304
Nez Perce NHP, P.O. Box 93, Spalding, ID 83551
North Cascades NP, 800 State Street, Sedro Woolley, WA 98284
Olympic NP, 600 East Park Avenue, Port Angeles, WA 98362
Ross Lake NRA, c/o North Cascades National Park, 800 State Street, Sedro Woolley, WA 98284
Rocky Mountain Region: L. Lorraine Mintzmyer, Regional Director, National Park Service, P.O. Box 25287, Denver, Colorado 80225 (303-234-2500)
Arches NP, c/o Canyonlands National Park, 446 S. Main Street, Moab, UT 84532
Badlands NP, P.O. Box 6, Interior, SD 57750
Bent's Old Fort NHS, P.O. Box 581, La Junta, CO 81050
Bighorn Canyon NRA, P.O. Box 458, Fort Smith, MT 59035
Black Canyon of the Gunnison NM, P.O. Box 1648, Montrose, CO 81401
Bryce Canyon NP, Bryce Canyon, UT 84717
Capitol Reef NP, Torrey, UT 84775
Dinosaur NM, P.O. Box 210, Dinosaur, CO 81610
Fort Laramie NHS, Fort Laramie, WY 82212
Fort Union Trading Post NHS, Buford Route, Williston, ND 58801
Glacier NP, West Glacier, MT 59936
Golden Spike NHS, P.O. Box 394, Brigham City, UT 84302
Grand Teton NP, P.O. Drawer 170, Moose, WY 83012
Grant-Kohrs Ranch NHS, P.O. Box 790, Deer Lodge, MT 59722
Great Sand Dunes NM, P.O. Box 60, Alamosa, CO 81101
Rocky Mountain NP, Estes Park, CO 80517
Zion NP, Springdale, UT 84767
Southeast Region: Robert M. Baker, Regional Director, National Park Service, Richard B. Russell Federal Bldg. & U.S. Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303 (404-221-5185)
Andersonville NHS, Andersonville, GA 31711
Big Cypress N Preserve, S.R. Box 110-Satinwood Drive, Ochopee, FL 33943
Biscayne NP, P.O. Box 1369, Homestead, FL 33030
Canaveral NS, P.O. Box 2583, Titusville, FL 32780
Cape Hatteras NS, Route 1, Box 675, Manteo, NC 27954
Cape Lookout NS, P.O. Box 690, Beaufort, NC 28516
Castillo de San Marcos NM, 1 Castillo Drive, St. Augustine, FL 32084
Chattahoochee River NRA, 1905 Powers Ferry Rd-Suite 150, Marietta, GA 30067
Chickamauga & Chattanooga NMP, P.O. Box 2128, Ft. Oglethorpe, GA 30742
Cumberland Gap NHP, P.O. Box 840, Middlesboro, KY 40965
Cumberland Island NS, P.O. Box 806, Saint Marys, GA 31558
De Soto N Memorial, National Park Service, 75th Street, N.W., Bradenton, FL 33529
Everglades NP, P.O. Box 279, Homestead, FL 33030
Fort Caroline NM, 12713 Ft. Caroline Road, Jacksonville, FL 32225
Fort Frederica NM, Route 4, Box 286-C, St. Simons Island, GA 31522
Fort Pulaski NM, P.O. Box 98, Tybee Island, GA 31328
Fort Raleigh NHS, c/o Cape Hatteras National Seashore, Route 1, Box 675, Manteo, NC 27954
Fort Sumter NM, 1214 Middle Street, Sullivan's Island, SC 29482
Great Smoky Mountain NP, Gatlinburg, TN 37738
Gulf Islands NS, P.O. Box 100, Gulf Breeze, FL 32561

Mammoth Cave NP, Mammoth Cave, KY 42259
Martin Luther King, Jr., NHS, c/o Southeast Regional Office, National Park Service, 75 Springs Street, SW, Atlanta, GA 30303
Moores Creek NB, P.O. Box 69, Currie, NC 28435
Natchez Trace Parkway, Rural Route 1, NT-143, Tupelo, MS 39901
Obed WSR, P.O. Drawer 630, Oneida, TN 37841
Shiloh NMP, Shiloh, TN 38376
Vicksburg NMP, P.O. Box 349, Vicksburg, MS 39180
Virgin Islands NP, P.O. Box 7789, Charlotte Amalie, St. Thomas, VI 00801
Southwest Region: Robert I. Kerr, Regional Director, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501 (505-988-6388)
Bandelier NM,
Los Alamos, NM 87544
Big Bend NP,
Big Bend Nat'l Park, TX 79834
Big Thicket NP,
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Beaumont, TX 77706
Buffalo NR,
P.O. Box 1173,
Harrison, AR 72601
Chaco Culture NHP,
Star Route 4, Box 6500,
Bloomfield, NM 87413
Chicksaw NRA,
P.O. Box 201,
Ft. Oglethorpe, GA 30742
El Morro NM,
Ramah, NM 87321
Fort Smith NHS,
P.O. Box 1406,
Fort Smith, AR 72902
Georgia O'Keeffe NHS,
c/o Southwest Regional Office,
National Park Service,
P.O. Box 728,
Santa Fe, NM 87501
Hot Springs NP,
P.O. Box 1860,
Hot Springs, AR 71901
Jean Lafitte NHP,
c/o Municipal Auditorium,
1201 St. Peter Street,
New Orleans, LA 70116
Lyndon B. Johnson NHS,
P.O. Box 329,
Johnson City, TX 78636
Padre Island NS,
9405 South Padre Island Drive,
Corpus Christi, TX 78418
Palo Alto Battlefield NHS,
c/o Padre Island NS,
9405 South Padre Island Drive,
Corpus Christi, TX 78418
Salinas NM,
P.O. Box 496,
Mountainair, NM 87036
San Antonio Missions NHS,
727 E. Durango—Rm. A612,
San Antonio, TX 78206
Western Region: Howard Chapman, Regional Director, National Park Service 450 Golden Gate Avenue, Box 36063, San Francisco,California 94102 (415-556-4196)
Channel Islands NP,
1901 Spinnaker Drive,
Ventura, CA 93001
Coronado NM,
Rural Route 1, Box 126,
Hereford, AZ 85615
Golden Gate NRA,
Building 201, Fort Mason,
San Francisco, CA 94124
Grand Canyon NP,
P.O. Box 129,
Grand Canyon, AZ 86023
Kaloko Honokohau NHP,
c/o Pacific Area Director,
300 Ala Moana Blvd.,
Honolulu, HI 96850
Kings Canyon NP,
c/o Sequoia and Kings Canyon Nat'l Parks,
Three Rivers, CA 93271
Lake Mead NRA,
601 Nevada Highway,
Boulder City, NV 89005
Lassen Volcanic NP,
Mineral, CA 96063
Point Reyes NS,
Point Reyes, CA 94956
Santa Monica Mountains NRA,
22900 Ventura Blvd., Suite 140
Woodland Hills, CA 91364
Sequoia NP,
c/o Sequoia & Kings Canyon Nat'l Parks,
Three Rivers, CA 93271
War in the Pacific NHP,
P.O. Box FA,
Agana, Guam 96910
Yosemite NP,
P.O. Box 577,
Yosemite National Park, CA 953789

Russell E. Dickenson,
Director.

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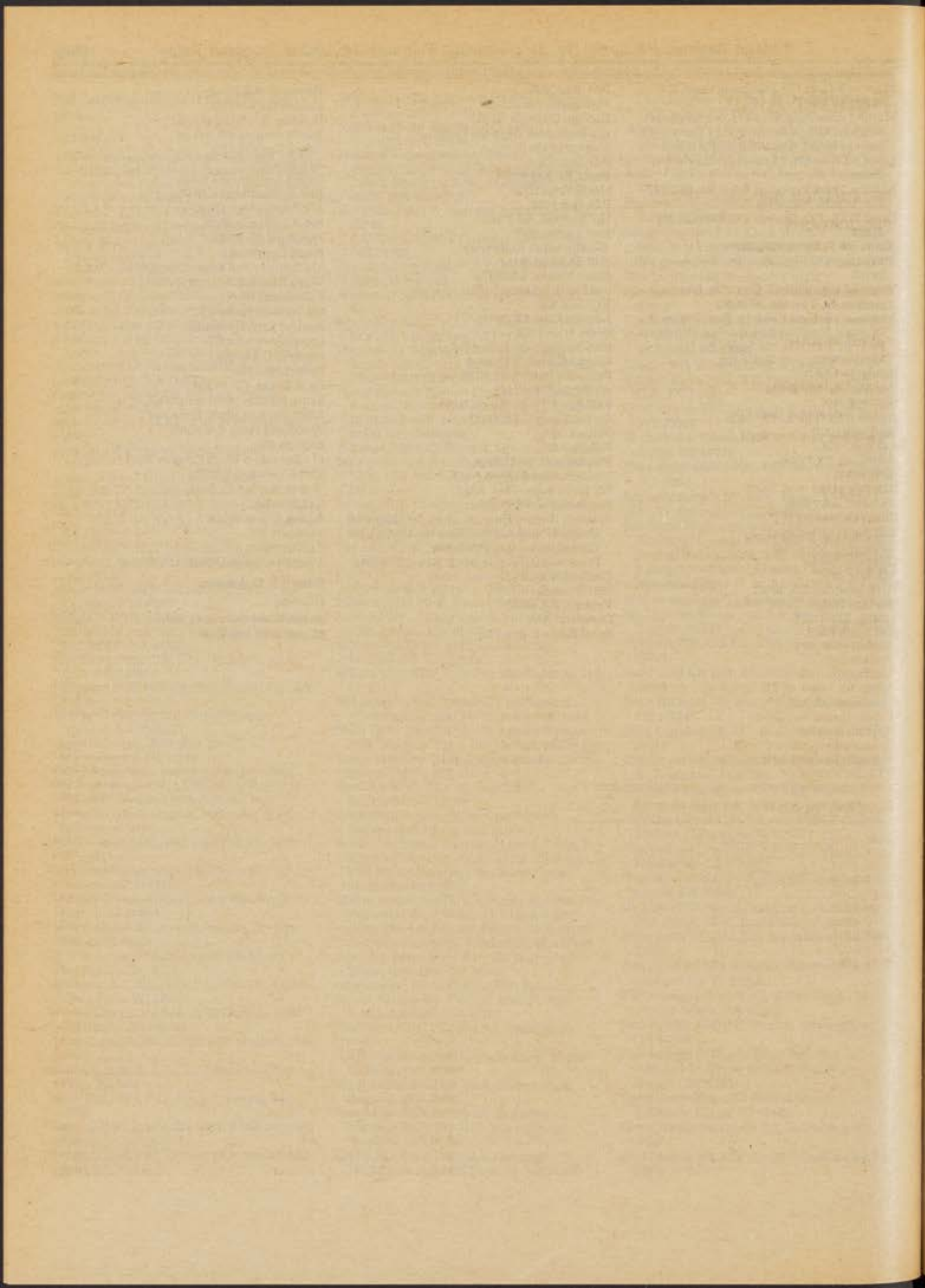

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 19, 1983