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federal register



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Title 3—

Executive Order 12352 of March 17, 1982

The President

Federal Procurement Reforms

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure effective and efficient spending of public funds through fundamental reforms in Government procurement, it is hereby ordered as follows:

Section 1. To make procurement more effective in support of mission accomplishment, the heads of executive agencies engaged in the procurement of products and services from the private sector shall:

(a) Establish programs to reduce administrative costs and other burdens which the procurement function imposes on the Federal Government and the private sector. Each program shall take into account the need to eliminate unnecessary agency procurement regulations, paperwork, reporting requirements, solicitation provisions, contract clauses, certifications, and other administrative procedures. Private sector views on needed changes should be solicited as appropriate;

(b) Strengthen the review of programs to balance individual program needs against mission priorities and available resources;

(c) Ensure timely satisfaction of mission needs at reasonable prices by establishing criteria to improve the effectiveness of procurement systems;

(d) Establish criteria for enhancing effective competition and limiting noncompetitive actions. These criteria shall seek to improve competition by such actions as eliminating unnecessary Government specifications and simplifying those that must be retained, expanding the purchase of available commercial goods and services, and, where practical, using functionally-oriented specifications or otherwise describing Government needs so as to permit greater latitude for private sector response;

(e) Establish programs to simplify small purchases and minimize paperwork burdens imposed on the private sector, particularly small businesses;

(f) Establish administrative procedures to ensure that contractors, especially small businesses, receive timely payment;

(g) Establish clear lines of contracting authority and accountability;

(h) Establish career management programs, covering the full range of personnel management functions, that will result in a highly qualified, well managed professional procurement work force; and

(i) Designate a Procurement Executive with agency-wide responsibility to oversee development of procurement systems, evaluate system performance in accordance with approved criteria, enhance career management of the procurement work force, and certify to the agency head that procurement systems meet approved criteria.

Sec. 2. The Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration shall continue their joint efforts to consolidate their common procurement regulations into a single simplified Federal Acquisition Regulation (FAR) by the end of calendar year 1982.

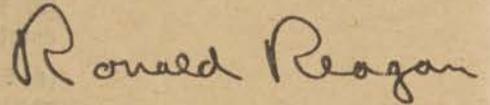
Sec. 3. The Director of the Office of Personnel Management, in consultation with the heads of executive agencies, shall ensure that personnel policies and

classification standards meet the needs of executive agencies for a professional procurement work force.

Sec. 4. The Director of the Office of Management and Budget, through the Office of Federal Procurement Policy as appropriate, shall work jointly with the heads of executive agencies to provide broad policy guidance and overall leadership necessary to achieve procurement reform, encompassing:

- (a) Identifying desirable Government-wide procurement system criteria, such as minimum requirements for training and appointing contracting officers;
- (b) Facilitating the resolution of conflicting views among those agencies having regulatory authority with respect to Government-wide procurement regulations;
- (c) Assisting executive agencies in streamlining guidance for procurement processes;
- (d) Assisting in the development of criteria for procurement career management programs;
- (e) Facilitating interagency coordination of common procurement reform efforts;
- (f) Identifying major inconsistencies in law and policies relating to procurement which impose unnecessary burdens on the private sector and Federal procurement officials; and, following coordination with executive agencies, submitting necessary legislative initiatives for the resolution of such inconsistencies; and
- (g) Reviewing agency implementation of the provisions of this Executive Order and keeping me informed of progress and accomplishments.

THE WHITE HOUSE,
March 17, 1982.



Presidential Documents

Proclamation 4910 of March 18, 1982

National Agriculture Day, 1982

By the President of the United States of America

A Proclamation

The production, distribution, and preservation of America's food and fiber supply is basic to this nation's economic, physical, and social well-being.

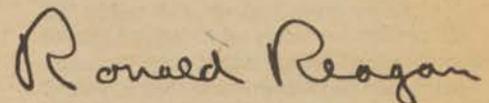
American agriculture has achieved a record of productivity unmatched by any other food and fiber system on earth. In 1820, a farmer in this country produced enough food to feed himself and three other persons. By 1940, that same farmer was feeding himself and eleven other people. Today a single American farmer is capable of satisfying the food requirements of seventy-seven individuals—a sevenfold increase in the course of forty years. This quantum leap in the productivity of our agricultural community makes it possible for the United States to respond to the demands of a burgeoning international population without imposing unnecessarily high food prices on American consumers.

The contributions of this nation's agricultural sector are not limited to its capacity to produce a plentiful supply of food. Once agricultural commodities leave the farmgate, they generate economic activity which creates job opportunities for 19 million nonfarm workers. The success of our farmers in marketing their production abroad has enabled this nation to sharply reduce its balance of trade deficit and to pay for its energy imports. Our farmers are the critical link in a food production chain that consistently yields the most wholesome and varied range of foodstuffs known to man. In addition, the farm community enhances our quality of life by helping preserve the family and the individual as meaningful components of modern American society.

To recognize agriculture's contribution to the nation and create a better understanding of each person's stake in a reliable food and fiber supply, the 97th Congress has by S.J. Res. 148 proclaimed March 18, 1982, as National Agriculture Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby call upon the people of the United States to observe Thursday, March 18, 1982, as National Agriculture Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of March, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.



PROVISIONAL DOCUMENT

Two copies of this document are to be prepared.

Approved by the Board of Directors on this day of _____ 19__.

The President of the Board of Directors

Secretary

The undersigned, _____, Secretary of the Board of Directors, do hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of Directors held on the _____ day of _____ 19__ at _____.

In testimony whereof, I have hereunto set my hand and the seal of the Board of Directors at _____ this _____ day of _____ 19__.

Secretary

[Handwritten signature]

Rules and Regulations

Federal Register

Vol. 47, No. 55

Monday, March 22, 1982

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 JUSTICE

Immigration and Naturalization Service

8 CFR Parts 204, 212, 214, 223, 237, 242, 245, 248, and 265

Aliens and Nationality; Immigration and Nationality Act Amendments of 1981

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: These rule changes are necessitated by the enactment of the Immigration and Nationality Act Amendments of 1981. The changes to these rules are intended to improve the efficiency of the Service through elimination of unnecessary paperwork and to provide remedial and technical changes to existing regulations. The rule is being published as an interim rule with a request for comments so that the amendments to the Service regulations may be speedily enacted.

EFFECTIVE DATE: March 19, 1982. Dates: Comments must be received on or before April 22, 1982.

ADDRESSES: Please submit written comments in duplicate to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT: For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

For Specific Information about Alien Change of Status: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street,

NW., Washington, D.C. 20536, Telephone: (202) 633-3946.

For Specific Information about Alien Admission and Exclusion: Edward F. Burns, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3996.

SUPPLEMENTARY INFORMATION: The following is a section by section analysis of those regulations implementing the provisions of Pub. L. 97-116, 95 Stat. 1611, the "Immigration and Nationality Act Amendments of 1981", affecting the adjudication of benefits and requiring corresponding changes in the regulations contained in Title 8, Code of Federal Regulations.

8 CFR 204.2(c)(7) is amended to reflect that a child adopted under the age of sixteen years, rather than under the age of fourteen years, is considered a "child" for the purposes of sections 101(b)(1)(E) and 101(b)(2) of the Act. This change recognizes relationships created by adoption of a child under the age of sixteen years whether the adoption occurred prior to or after December 29, 1981, the effective date of Pub. L. 97-116.

8 CFR 212.2(a)-(f) are revised to remove the requirement that an alien, who was previously deported or removed from the United States, must obtain consent before applying for a visa, admission, or change of status if the alien has remained outside the United States for more than five successive years after the date of the last deportation or removal. Section 4 of Pub. L. 97-116 amends section 212(a)(17) of the Act to remove the consent requirement where the alien meets the requisite period of absence from the United States.

8 CFR 212.7(b) is revised for technical correction and to improve readability. The Refugee Act of 1980, Pub. L. 96-212, section 203 (94 Stat. 107) removed conditional entrant status (formerly section 203(a)(7)) from the Immigration and Nationality Act. This revision removes the reference to the former subsection 203(a)(7) from the medical waiver provisions of § 212.7(b).

8 CFR 212.10 is added to provide waiver procedures under the new section 212(k) of the Act which waives certain technical defects in immigrant visas which are not the fault of the alien involved.

8 CFR 214.2(j)(2)(ii) is revised to incorporate changes mandated by Pub. L. 97-116: Section 212(j)(1) of the Act sets forth the requirements which an alien foreign exchange visitor must meet in order to participate in a program of graduate medical education and training. Section 5 of Pub. L. 97-116 has amended these requirements, including section 212(j)(2)(A) of the Act, which waives certain requirements if a substantial disruption in health services would result from an alien's inability to participate in a residency training program. The "substantial disruption waiver" provision, which was to expire on December 31, 1981, was also extended to December 31, 1983.

8 CFR 214.2(j)(3) is revised to show that the Director of the International Communication Agency is responsible for notifying the Immigration and Naturalization Service of the cancellation of exchange of visitor programs. Section 7(a)(8) of the Reorganization Plan No. 2 of 1977 (91 Stat. 1637) transferred the administration of the exchange visitor program from the Secretary of State to the Director, International Communication Agency.

8 CFR Part 223 is revised to remove any reference to extension of reentry permits. Certain reentry permits already issued may be revaluated by consular or immigration officers for the maximum period of two years. Section 223(b) of the Act, as amended by section 6 of Pub. L. 97-116, now provides that reentry permits may be issued for a maximum period of two years with no extension beyond that time.

8 CFR Part 237.6 is added to set forth the procedures to be followed regarding excludable aliens. Section 7 of Pub. L. 97-116, 95 Stat. 1615, amended section 237 of the Act (8 U.S.C. 1227) dealing with the deportation of excludable aliens. Prior to amendment of section 237 of the Act, the law required an excludable alien to be removed only to the country "whence he came" to the United States; if that country did not recognize the alien's right to be returned, there was no authority to return the alien to any other country, even the country of the alien's nationality or, another country willing to accept the alien.

The phrase "country whence he came" in the former section 237(a) of the Act has been interpreted both judicially and administratively to mean the alien's

last place of abode outside the United States. In *U.S. v. Holland*, 231 F.2d 373-376 (2d Cir. 1956) the court defined "the country from whence an alien comes" as " * * * that country in which the alien has a place of abode and which he leaves with the intention of coming ultimately to this country. This need not be technically either a residence or domicile * * * though no doubt it will in fact often prove to be the country in which the alien was last domiciled."

The amendment to section 237 of the Act eliminates the use of the confusing term "whence he came" and provides the Attorney General with the same flexibility to remove excludable aliens as is permitted under section 243(a) of the Act dealing with aliens who have entered the United States and are subsequently deported.

The new § 237.6 of 8 CFR sets forth the procedure to be followed under the amended section 237 of the Act when an excludable alien attempts to enter the United States from a foreign contiguous territory or any island adjacent to the United States, and the alien is not a native, citizen, subject, or national of, or does not have a residence in the adjacent territory. In such case, the alien shall be deported to the country from which the alien embarked for the contiguous territory or island adjacent to the United States.

Where the excludable alien cannot be deported to the country of birth, citizenship, nationality, or where last embarked, then the alien may be deported to any country willing to accept the alien into its territory, including the country contiguous to the United States where there is a reciprocal agreement between the United States and the foreign contiguous territory to accept the excluded alien.

In instances where the excludable alien does not meet the citizenship, native, citizen, subject, or national definition, but where a reciprocal agreement exists between the United States and a foreign government to accept excluded aliens, the rule defines "residence in foreign contiguous territory or adjacent islands" as being satisfied by any physical presence in contiguous territory where the foreign government agrees under a reciprocal agreement to take the alien back. For example, there presently exists the "Reciprocal Arrangement of 1949" between Canada and the United States. Under this arrangement, excludable aliens may be returned to either Canada or the United States with the consent of the receiving country. It is clear from the House Report to the 1981 amendments (H.R. 97-264, October 2, 1981, at page 24) that such existing arrangements

remained unaffected by the revisions to section 237 of the Act. It is also clear from the House Report that the amendments were intended to facilitate the deportation of excludable aliens. Defining residence to allow return authorized under a reciprocal agreement is consistent with this interpretation.

This definition of residence for purposes of section 237 of the Act does not conflict with the definition of residence contained in section 101(a)(33) of the Act, 8 U.S.C. 1101(a)(33). That section relates to residence for purposes of the nationality provisions of Title III of the Act. The section 101(a)(33) definition was derived from the Nationality Act of 1940, and reflected the desire of Congress to codify the judicial construction of the 1940 Act contained in *Savorgnan v. United States*, 338 U.S. 491 (1950). House Report No. 1365 (1952).

8 CFR 242.8 is revised to make technical corrections by updating the references to pertinent sections of the Act and by replacing the title "special inquiry officer" with "immigration judge." Immigration judges are authorized to decide applications under sections 208, 212(k), 241(a)(11), 241(f), as well as 244, 245, and 249 of the Act during deportation and exclusion proceedings.

8 CFR 242.17 is amended by adding a new paragraph (d) which provides for discretionary waiver of deportation by an immigration judge under the new § 241(f) of the Act. Section 8 of Pub. L. 97-116 amended section 241(f) of the Act to eliminate the mandatory waiver of deportation for family members and replaces it with a discretionary waiver.

8 CFR 245.1 is amended by adding foreign medical graduates who qualify for special immigrant classification under section 101(a)(27)(H) of the Act to the class of aliens who are exempt from the provisions of section 245(c) of the Act. For the purpose of qualifying for adjustment of status as a special immigrant under section 101(a)(27)(H) of the Act, the term "continuously present" is defined in 8 CFR 245.1(c) as including applicants who make brief, temporary trips abroad of 30 days or less. In addition, the reference to conditional entrants is removed from 8 CFR 245.1(a) since this category was eliminated by the Refugee Act of 1980 (Pub. L. 96-212).

8 CFR 245.1(b) is revised to provide an orderly arrangement of the categories of aliens who are ineligible to apply for adjustment of status to permanent resident under section 245 of the Act. This is a technical change to improve the readability of section 245.1(b) of 8 CFR.

8 CFR 245.1(c) is amended by adding the provisions of Section 19 of Pub. L. 97-116 (95 Stat. 1621) relating to certain nonpreference investors who are exempted from the numerical limitations contained in sections 201 and 202 of the Act. Investors within this category must have qualified as nonpreference investors, and must have applied for adjustment of status on or before June 1, 1978. In addition, the investment must have resulted in the employment of at least one U.S. citizen or permanent resident other than the investor's spouse or child.

8 CFR 245.3 is revised to add stricter requirements for those foreign officials who seek adjustment of status under section 13 of the Act of September 11, 1957 (71 Stat. 642). Section 17 of Pub. L. 97-116 (95 Stat. 1619) amended the Act of September 11, 1957 to further require that the status of an alien diplomat cannot be adjusted to permanent residence status unless the alien has shown compelling reasons demonstrating both that the alien is unable to return to the country of accreditation and that the adjustment would be in the national interest of the United States.

8 CFR 248.2 is amended to include among the ineligible classes for any change of nonimmigrant classification under section 248 of the Act, any alien classified as a nonimmigrant under section 101(a)(15)(K) of the Act, and a foreign medical graduate classified as a nonimmigrant under section 101(a)(15)(J) of the Act, who came to the United States, or acquired such classification, to receive graduate medical education or training. It further provides that a J-1 (other than a foreign medical graduate) who is subject to the foreign residence requirement of section 212(e) of the Act may change to classification under section 101(a)(15)(A) or (G) of the Act; or, if not subject to section 212(e) of the Act, or if the residence requirement has been waived, to change to any other nonimmigrant classification.

8 CFR 265.1 is amended to eliminate the annual registration requirement for permanent resident aliens who were required to file Form I-53 each year; however, they must continue to report new addresses and changes of address using Form AR-11. Aliens who are nonimmigrants in lawful temporary status shall continue to report their addresses on Form AR-11 every three months while residing in the United States. While section 11 of Pub. L. 97-116 removes the annual registration requirement, it still retains the authority for the Attorney General, upon ten days notice, to require any aliens, or class of

aliens to report their current addresses and other information as may be required.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the changes are mandated by law and delay would be contrary to the public interest.

In accordance with 5 U.S.C. 605(d), the Commissioner of Immigration and Naturalization certifies that this rule will not have significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

1. In § 204.2, paragraph (c)(7) is revised to read as follows:

§ 204.2 Documents.

(c) * * *

(7) *Relationship by adoption.* If the petitioner and the beneficiary are related to each other by adoption, a certified copy of the adoption decree must accompany the petition. Immigration benefits may be obtained under 101(b)(1)(E) or 101(b)(2) of the Act by virtue of an adoptive relationship if the child was adopted while under the age of sixteen and the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years. Legal custody must occur after the adoption. Residence occurring prior to the adoption will satisfy the residence requirement. A child adopted under the age of sixteen years is a "child" for purposes of sections 101(b)(1)(E) and section 101(b)(2) of the Act.

(Secs. 103, 204, 66 Stat. 173, 179; sec. 2, Pub. L. 97-116, 95 Stat. 1611 (8 U.S.C. 1103, 1154))

PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

2. In § 212.2, a new paragraph (a) is added; former paragraphs (a), (b), (c), (d), (e) and (f) are revised and redesignated as paragraphs (b), (c), (d), (e), (f), and (g); and the remaining paragraphs (g), (h) and (i) are redesignated as (h), (i) and (j), as follows:

§ 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense.

(a) *Evidence.* Any alien who has been deported or removed from the United States, who is applying for a visa, admission to the United States, or adjustment of status, must present proof to the satisfaction of the consular or immigration officer that the alien has remained outside the United States for more than five successive years following the last deportation or removal. Any alien who does not present proof of more than five successive years absence from the United States which is satisfactory to the consular or immigration officer, or who has not remained outside the United States for this requisite period, must apply for permission to reapply as provided under this part. Authorization for temporary admission into the United States under section 212(d)(3) of the Act does not interrupt the five year absence requirement.

(b) *Alien applying to consular officer for nonimmigrant visa or nonresident border crossing card.* Permission to reapply for admission to the United States after deportation or removal within five years of the date of such deportation or removal for an alien who is applying or will apply to a consular officer for a nonimmigrant visa or a nonresident border crossing card shall be requested through the consular officer and may be granted only in accordance with section 212(a)(17) and (d)(3)(A) of the Act and § 212.4 of this part. However, the alien may apply for such permission on Form I-212 submitted to the consular officer, if the consular officer is willing to accept such application and if that officer, in forwarding Form I-212 for decision to the district director having jurisdiction over the place where the deportation or removal proceedings were held, recommends to the district director that the alien be permitted to apply on Form I-212.

(c) *Applicant for nonimmigrant visa under section 101(a)(15)(K) of the Act.* Notwithstanding the provisions of paragraph (b) of this section, any applicant for a nonimmigrant visa under section 101(a)(15)(K) of the Act who is the beneficiary of a valid visa petition approved by the Service to accord classification under that section shall apply for permission to reapply for admission to the United States after deportation or removal by submitting Form I-212 to the consular officer. The consular officer will forward the Form I-212 to the Service officer having jurisdiction over the area within which the consular officer is located. If the

alien is ineligible on grounds which may be waived under section 212(g), (h), or (i), of the Act upon the applicant's marriage to the United States citizen petitioner, the consular officer will also forward a recommendation whether the benefits of section 212(a)(17) and (d)(3)(A) of the Act shall be accorded to authorize the applicant's temporary admission to the United States despite those grounds.

(d) *Applicant for immigrant visa.* Any applicant for an immigrant visa who is not physically present in the United States, and who requires permission to reapply, shall file Form I-212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held. If the applicant also requires a waiver under section 212(g), (h), or (i) of the Act, a Form I-601 must be filed simultaneously with the American consul having jurisdiction over the alien's place of residence. The consul shall forward the applications to the appropriate Service officer abroad who has jurisdiction over the area within which the consul is located.

(e) *Applicant for adjustment of status.* Any applicant for adjustment of status under section 245 of the Act and Part 245 of this chapter who requires permission to reapply in conjunction with the application for adjustment of status shall file Form I-212 with the district director having jurisdiction over the place where the alien resides. If the application under section 245 of the Act has been initiated, renewed, or is pending in a proceeding before an immigration judge, the district director shall refer the Form I-212 to the immigration judge for adjudication.

(f) *Applicant for admission at port of entry.* Permission to reapply for admission to the United States after deportation or removal within five years of the date of such deportation or removal for an alien seeking admission at a port of entry shall be requested by the alien by filing Form I-192 with the district director having jurisdiction over the port of entry if the alien is seeking temporary admission, or Form I-212 if the alien is seeking lawful admission for permanent residence. However, the district director may authorize an alien seeking temporary admission at a port of entry to apply on Form I-212 for permission to reapply after deportation or removal.

(g) *Other applicants.* Any applicant for permission to reapply for admission under circumstances other than those described in paragraphs (b), (c), (d), (e), or (f) of this section shall file Form I-212 with the district director having

jurisdiction over the place where the deportation or removal proceedings were held, or with the district director who exercised or is exercising jurisdiction over the most recent proceeding relating to the applicant. If the applicant is physically present in the United States but is ineligible to apply for adjustment of status, the application must be filed with the district director having jurisdiction over the alien's place of residence.

3. In § 212.7, paragraph (b) is revised to read as follows:

§ 212.7 Waiver of certain grounds of excludability.

(b) *Section 212(g) (tuberculosis and certain mental conditions)*. Any alien who is ineligible for a visa and is excluded from admission into the United States under section 212(a) (1), (3), or (6) of the Act may file an Application for Waiver of Grounds of Excludability (Form I-601) under section 212(g) of the Act with the following:

(1) American consulate where the application for a visa is being considered if the alien is outside the United States;

(2) Service office having jurisdiction over the port of entry where the alien is applying for admission into the United States; or

(3) Service office having jurisdiction over the alien if the alien is in the United States.

The family member specified in section 212(g) of the Act may file the waiver for the applicant if the applicant is incompetent to file the waiver personally.

4. In Part 212 a new § 212.10 is added to read as follows:

§ 212.10 Section 212(k) waiver.

Any applicant for admission who is in possession of an immigrant visa, and who is excludable under section 212(a) (14), (20), or (21) of the Act, may apply to the district director at the port of entry for a waiver under section 212(k) of the Act. If the application for waiver is denied by the district director, the application may be renewed in exclusion proceedings before an immigration judge as provided in Part 236 of this chapter.

(Secs. 103, 203, 212, Immigration and Nationality Act, as amended by secs. 4, 5, 18 of Pub. L. 97-116, 95 Stat. 1611, 1620, (8 U.S.C. 1103, 1153, 1182))

PART 214—NONIMMIGRANT CLASSES

5. In § 214.2, paragraphs (j)(2)(ii) and (3) are revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(j) * * *

(2) * * *

(ii) *Exemptions*. From January 10, 1978 until December 31, 1983, any alien who has come, or seeks to come to the United States as an exchange visitor to participate in an accredited program of graduate medical education or training, or any alien who seeks to change nonimmigrant status for such purpose, may be admitted to participate in such program without regard to the requirements stated in subparagraphs (A) and (B)(ii)(I) of section 212(j)(1) of the Act if there would be substantial disruption in the health services provided in such program because the alien was not permitted to enter the United States or change nonimmigrant status to participate in the program on account of the alien's inability to comply with such requirements: *Provided* that an exemption will not increase the total number of aliens then participating in such programs to a level greater than that participating on January 10, 1978.

(3) *Aliens in cancelled programs*. When the approval of an exchange visitor program is withdrawn by the Director of the International Communication Agency, the district director shall send a notice of the program's cancellation to each participant in the program and a copy of each notice shall also be sent to the program sponsor. If the exchange visitor is currently engaged in activities authorized by the former program, the participant is authorized to remain in the United States to engage in those activities until expiration of the period of stay previously authorized. The district director shall also notify participants in cancelled programs that permission to remain in the United States as an exchange visitor, or extension of stay may be obtained, if the participant is accepted in another approved program and a Form IAP-66, executed by the new program sponsor, is submitted. In this case, a release from the sponsor of the cancelled program will not be required.

(Secs. 103, 214, 66 Stat. 173, 189; sec. 5, Pub. L. 97-116, 95 Stat. 1612 (8 U.S.C. 1103, 1184))

PART 223—REENTRY PERMITS

6. Section 223.2 is revised to read as follows:

§ 223.2 Period of validity.

A reentry permit is valid for a maximum period of 2 years unless otherwise restricted. The period of validity commences from the date of issuance and not from the date the application for the permit was submitted to the Service. A reentry permit cannot be renewed.

7. Section 223.4 is added to read as follows:

§ 223.4 Revalidation.

A reentry permit issued after December 29, 1980 is revalidated for a period of two years from the original date of issuance, except a restricted permit which: (a) is valid for less than the maximum period allowed, or (b) authorizes a limited number of entries.

(Secs. 103, 223, 66 Stat. 173, 194; sec. 6, Pub. L. 97-116, 95 Stat. 1615 (8 U.S.C. 1103, 1203))

PART 237—DEPORTATION OF EXCLUDED ALIENS

8. In Part 237 a new § 237.6 is added to read as follows:

§ 237.6 Deportation.

(a) *Definition of terms*. For the purposes of this section, the following terms mean:

(1) *Adjacent island*—as defined in section 101(b)(5) of the Act.

(2) *Foreign contiguous territory*—any country sharing a common boundary with the United States.

(3) *Residence in foreign contiguous territory or adjacent island*—includes any physical presence, regardless of intent, in a foreign contiguous territory or adjacent island if the government of such territory or island agrees to accept the alien.

(4) *Aircraft or vessel*—includes any conveyance and other mode of travel by which arrival is effected.

(b) *Place of deportation*. Any alien other than an alien crewmember who is ordered excluded shall be deported to the country where the alien boarded the vessel or aircraft on which the alien arrived in the United States. If that country refuses to accept the alien, the alien shall be deported to:

(1) the country of which the alien is a subject, citizen, or national;

(2) the country where the alien was born;

(3) the country where the alien has a residence; or

(4) any country willing to accept the alien.

(c) *Contiguous territory and adjacent islands*. Any alien ordered excluded who boarded an aircraft or vessel in foreign contiguous territory or in any

adjacent island shall be deported to such foreign contiguous territory or adjacent island if the alien is a native, citizen, subject, or national of such foreign contiguous territory or adjacent island, or if the alien has a residence in such foreign contiguous territory or adjacent island. Otherwise, the alien shall be deported, in the first instance, to the country in which is located the port at which the alien embarked for such foreign contiguous territory or adjacent island.

(d) *Land border pedestrian arrivals.* Any alien ordered excluded who arrived at a land border on foot shall be deported in the same manner as if the alien had boarded a vessel or aircraft in foreign contiguous territory.

(Secs. 103, 237, Immigration and Nationality Act; as amended by sec. 7, Pub. L. 97-116, 95 Stat. 1615 (8 U.S.C. 1103, 1227))

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

9. In § 242.8, paragraph (a) is revised to read as follows:

§ 242.8 Immigration judges.

(a) *Authority.* In any proceeding conducted under this part the immigration judge shall have the authority to determine deportability and to make decisions, including orders of deportation as provided by section 242(b) of the Act; to reinstate orders of deportation as provided by section 242(f) of the Act; to determine applications under section 208, 212(k), 241(a)(11), 241(f), 244, 245, and 249 of the Act; to determine the country to which an alien's deportation will be directed in accordance with section 243(a) of the Act; to order temporary withholding of deportation pursuant to section 243(h) of the Act, and to take any other action consistent with applicable provisions of law and regulation as may be appropriate to the disposition of the case. An immigration judge shall have authority to certify a decision in any case to the Board of Immigration Appeals when it involves an unusually complex or novel question of law or fact. Nothing contained in this part shall be construed to diminish the authority conferred on immigration judges.

10. In § 242.17, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read as follows:

§ 242.17 Ancillary matters, applications.

(d) *Application for relief under section 241(f).* The respondent may apply to the immigration judge for relief from deportation under section 241(f) of the Act.

(Secs. 103, 208, 242, Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1158, 1252))

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

11. In § 245.1, paragraphs (a), (b), and (c) are revised to read as follows; paragraphs (d) and (e) are removed; paragraph (f) is revised and redesignated (d) to read as follows; and the remaining paragraphs (g) and (h) are redesignated (e) and (f).

§ 245.1 Eligibility.

(a) *General.* Any alien who was inspected and admitted or paroled into the United States is eligible to apply for adjustment of status to permanent resident if the applicant is eligible to receive an immigrant visa, and an immigrant visa is immediately available at the time of filing of the application, except an alien who is ineligible to apply for adjustment of status as noted in paragraph (b) of this section.

(b) *Ineligible aliens.* The following categories of aliens are ineligible to apply for adjustment of status to permanent residence under section 245 of the Act:

(1) Any alien who entered the United States in transit without a visa.

(2) Any alien, who on arrival in the United States, was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon.

(3) Any alien who was not admitted or paroled following inspection by an immigration officer.

(4) Any alien who on or after January 1, 1977 was employed in the United States without authorization prior to filing an application for adjustment of status, except for an applicant who is an immediate relative as defined in section 201(b) of the Act, or a special immigrant as defined in section 101(a)(27)(H) of the Act.

(5) Any nonpreference alien who will be seeking or engaging in gainful employment in the United States who is not the beneficiary of a valid individual or blanket labor certification issued by the Secretary of Labor or who is not exempt therefrom under section 212.8(b) of this chapter.

(6) Any alien who has or had the status of an exchange visitor under

section 101(a)(15)(J) of the Act and who is subject to the foreign residence requirement of section 212(e) of the Act, unless the alien has complied with the foreign residence requirement of that section or has been granted a waiver of that requirement.

(7) Any alien who has a nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of section 101(a) of the Act, or has an occupational status which would, if the alien were seeking admission to the United States, entitle the alien to nonimmigrant status under these paragraphs, unless the alien first executes and submits the written waiver required by section 247(b) of the Act and Part 247 of this chapter.

(8) Any alien who claims immediate relative status under section 201(b) or preference status under section 203(a)(1) through 203(a)(6) of the Act unless the applicant is the beneficiary of a valid unexpired visa petition filed in accordance with Part 204 of this chapter.

(c) *Special categories.*—(1) *Alien medical graduates.* Any alien who is a medical graduate qualified for special immigrant classification under section 101(a)(27)(H) of the Act is eligible for adjustment of status. An accompanying spouse and children also may apply for adjustment of status under this section. Temporary absences from the United States of 30 days or less do not interrupt the continuous presence requirement during which the applicant was practicing or studying medicine. Temporary absences authorized under the Service's advance parole procedures will not be considered interruptive of continuous presence when the alien applies for adjustment of status.

(2) *Nonpreference investors.*—(i) Any alien investor, if otherwise qualified, is eligible for adjustment of status if:

(A) The applicant was present in the United States on or before June 1, 1978;

(B) The applicant qualified as a nonpreference immigrant under section 203(a)(8) of the Act as in effect on June 1, 1978;

(C) The applicant applied for adjustment of status on or before June 1, 1978;

(D) The applicant was determined to be exempt from the labor certification requirement of section 212(a)(14) of the Act because the applicant had actually invested capital in an enterprise in the United States before that date;

(E) The applicant was a principal manager of that enterprise; and

(F) That enterprise employed one or more U.S. citizens or permanent residents other than a spouse or child of the applicant.

(ii) The employment of the U.S. citizen or permanent resident may have occurred at any time and for any period of time in the enterprise or any subsequent enterprise.

(iii) Any applicant under this section may qualify with an investment in an enterprise other than that used to establish the applicant's priority date, or may qualify without a present investment.

(iv) Any applicant will have qualified as a nonpreference immigrant on or before June 1, 1978 for purposes of this section, if the application for investor status was actually approved on or before that date, or the application was subsequently approved with a priority date on or before June 1, 1978.

(v) Any alien qualified under this subsection is exempt from the restrictions of sections 212(a)(14) and 245(c)(2) of the Act.

(vi) A spouse or children of an investor qualified under this section also may apply for adjustment of status.

(d) *Concurrent applications to overcome exclusionary grounds.* Except as provided in Parts 235 and 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under sections 212(g), (h), (i), and (k) of the Act, as they relate to the excludability of an alien in the United States. Any applicant for adjustment under this part may also apply for the benefits of section 212(c) of the Act, for permission to reapply after deportation or removal and for the benefits of section 212(a)(28)(I)(ii) of the Act. No fee is required for filing an application to overcome the exclusionary grounds of the Act if filed concurrently with an application for adjustment of status under the provisions of the Act of October 28, 1977, and of this part.

(Secs. 103, 245, 66 Stat. 173, 217, secs. 5, and 19, Pub. L. 97-116, 95 Stat. 1614, 1621 (8 U.S.C. 1103, 1255))

12. Section 245.3 is revised to read as follows:

§ 245.3 Adjustment of status under section 13 of the Act of September 11, 1957, as amended.

Any application for benefits under section 13 of the Act of September 11, 1957, as amended, (section 13) must be filed on Form I-485 with the district director having jurisdiction over the applicant's place of residence. The benefits under section 13 are limited to aliens who were admitted into the United States under section 101, paragraphs (a)(15)(A)(i), (a)(15)(A)(ii), (a)(15)(G)(i), or (a)(15)(G)(ii) of the Immigration and Nationality Act who

performed diplomatic or semidiplomatic duties and to their immediate families, and who establish that there are compelling reasons why the applicant is unable to return to the country represented by the government which accredited the applicant or the member of the applicant's immediate family and that adjustment of the applicant's status to that of an alien lawfully admitted for permanent residence would be in the national interest. Aliens whose duties were of a custodial, clerical, or menial nature, and members of their immediate families, are not eligible for benefits under section 13. In view of the annual limitation of 50 on the number of aliens whose status may be adjusted under section 13, any alien who is prima facie eligible for adjustment of status to that of a lawful permanent resident under another provision of law shall be advised to apply for adjustment pursuant to such other provision of law. An applicant for the benefits of section 13 shall not be subject to the labor certification requirement of section 212(a)(14) of the Immigration and Nationality Act. The applicant shall be notified of the decision and, if the application is denied, of the reasons for the denial and of the right to appeal under the provisions of Part 103 of this chapter. Any applications pending with the Service before December 29, 1981 must be resubmitted to comply with the requirements of this section.

(Secs. 103, 245, Immigration and Nationality Act, as amended; 71 Stat. 642, as amended, § 17, Pub. L. 97-116, 95 Stat. 1619 (8 U.S.C. 1103, 1255, 1255b))

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

13. Section 248.2 is revised to read as follows:

§ 248.2 Ineligible classes.

The following categories of aliens are not eligible to change their nonimmigrant status under section 248 of the Act:

(a) Any alien in immediate and continuous transit through the United States without a visa.

(b) Any alien classified as a nonimmigrant under section 101(a)(15)(C), (D) or (K) of the Act.

(c) Any foreign medical graduate admitted as a nonimmigrant under section 101(a)(15)(J) of the Act, or who acquired such status after admission in order to receive graduate medical education or training, whether or not the alien was subject to, received a waiver, or fulfilled the two-year foreign residence requirement of section 212(e) of the Act.

(d) Any alien classified as a nonimmigrant under section 101(a)(15)(J) of the Act (other than an alien described in paragraph (c)) who is subject to the foreign residence requirement of section 212(e) of the Act, and who has not received a waiver of the residence requirement, except when the alien applies to change to a classification under section 101(a)(15)(A) or (G) of the Act.

(Secs. 103, 248, Immigration and Nationality Act, as amended; Sec. 10, Pub. L. 97-116, 95 Stat. 1617 (8 U.S.C. 1103, 1258))

PART 265—NOTICES OF ADDRESS

14. § 265.1 is revised to read as follows:

§ 265.1 Forms.

Form AR-11 shall be completed and mailed by each permanent resident alien to report a change of address or a new address. Any aliens residing in the United States under lawful temporary admissions shall report their addresses on Form AR-11 at the end of each three-month period. Form AR-11 is available at post offices and Service offices in the United States. The completed form must be mailed to the Department of Justice, Immigration and Naturalization Service, Washington, D.C. 20536.

(Secs. 103, 265 Immigration and Nationality Act, as amended by Sec. 11, Pub. L. 97-116, 95 Stat. 1617 (8 U.S.C. 1103, 1305))

Dated: March 9, 1982.

Alan C. Nelson,
Commissioner of Immigration and Naturalization.

(FR Doc. 82-7613 Filed 3-19-82; 8:45 am)
BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 303 and 381

[Docket No. 82-003N]

Exemptions for Retail Stores

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice; Adjustment of Dollar Limitations.

SUMMARY: This notice announces that the dollar limitations currently in effect for annual sales of meat and poultry products by retail stores, exempt from routine Federal inspection, to nonhousehold consumers, such as hotels, restaurants and similar institutions, have been adjusted to conform with price increases for meat and poultry products as indicated by the

Consumer Price Index. The adjustments raise the present dollar limitations to \$28,800 per calendar year for meat products and to \$23,100 per calendar year for poultry products.

EFFECTIVE DATE: March 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Ragan, Director, Regulations Office, Policy and Program Planning, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3317.

SUPPLEMENTARY INFORMATION:

Background

Federal inspection of meat and poultry products prepared for sale and distribution in commerce and in certain designated States is required by law and administered by the Food Safety and Inspection Service (FSIS). However, section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) state that the general requirement of routine Federal inspection " * * shall not apply to operations of types traditionally and usually conducted at retail stores * * * when conducted at any retail store * * * for sale in normal retail quantities * * * to consumers * * *."

The Department has promulgated regulations (9 CFR 303.1(d) and 381.10(d)) defining retail stores which qualify for exemption from routine Federal inspection under these Acts. Whether or not an establishment is deemed by the Agency to be an exempt establishment depends, in part, upon the level of its trade with nonhousehold consumers, such as hotels, restaurants and similar institutions. Accordingly, the Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat and poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. For meat products, the maximum amount has been set at \$27,800 per calendar year. For poultry products, the amount has been set at \$22,200 per calendar year.

The Federal meat and poultry products inspection regulations (9 CFR 303.1(d)(2)(iii) and 381.10(d)(2)(iii), as amended on April 25, 1980, (45 FR 27919-27922)) further provide that the dollar limitations on the sales of meat and poultry products by exempt retail stores to nonhousehold consumers will be automatically adjusted during the first quarter of each calendar year, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor,

indicates a change of at least \$500, upward or downward.

The Consumer Price Indices for 1981 have been published by the Bureau of Labor Statistics and for that year, they indicate a price increase in meat products of 3.6 percent and in poultry products of 4.1 percent. As a percentage of the existing dollar limitations, a change in excess of \$500 is indicated by both meat and poultry products. When rounded off to the nearest \$100, the price increases amount to \$1,000 for meat products and \$900 for poultry products.

PART 303—EXEMPTIONS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Accordingly, pursuant to the regulations, FSIS has automatically raised the dollar limitations of permitted sales of meat and poultry products to nonhousehold consumers by establishments desiring status as retail establishments exempt from Federal inspection requirements. The adjustments raise the dollar limitations on meat products specified in § 303.1(d)(2)(iii)(b) from \$27,800 to \$28,800 and on poultry products specified in § 381.10(d)(2)(iii)(b) from \$22,200 to \$23,100.

Done at Washington, DC, on: March 17, 1982.

Donald L. Houston,
Administrator, Food Safety and Inspection Service.

[FR Doc. 82-7648 Filed 3-19-82; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

10 CFR Part 705

Hearing Rules for Sanction Proceedings Under Executive Order No. 11246 (Nondiscrimination in Employment by Government Contractors); Removal

AGENCY: Energy Department.

ACTION: Final rule.

SUMMARY: This motion removes 10 CFR Part 705, entitled "Hearing Rules for Sanction Proceedings Under Executive Order No. 11246 (Nondiscrimination in Employment by Government Contractors)," of the Department of Energy regulations. The regulations contained in Part 705 implement functions that were transferred to the Department of Labor by Executive Order No. 12086 dated October 5, 1978 (43 FR 46501, October 10, 1978).

EFFECTIVE DATE: March 22, 1982.

FOR FURTHER INFORMATION CONTACT: Nathaniel H. Pierson, Director, Office of Equal Opportunity, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-252-2218.

SUPPLEMENTARY INFORMATION: These regulations are being removed from the Code of Federal Regulations as a consequence of the consolidation of the Federal Government's contract compliance functions for equal opportunity in the Department of Labor. This consolidation was mandated by Executive Order No. 12086 dated October 5, 1978. Since the Department of Energy is no longer responsible for these functions, Part 705 no longer has any applicability.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment.

The issuance of this rule by the Department of Energy clearly will not have a significant environmental effect since it merely reflects the transfer of functions made by Executive Order 12086. Thus, the preparation of an Environmental Impact Statement is not required.

Pursuant to Section 501(c) of the Department of Energy Organization Act (DOE Act), I have determined that no substantial issue of fact or law exists and that this action will not have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, the Department of Energy is not bound by the prior notice and hearing requirements of section 501 (b), (c), and (d) of the DOE Act, and may promulgate this rule in accordance with the rulemaking procedures outlined in 5 U.S.C. Section 553.

Subsection (b) of 5 U.S.C. 553 requires that a notice of proposed rulemaking be published in the Federal Register, except when an agency for good cause finds that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest. I have determined that the notice and comment procedures of section 553 are unnecessary since the purpose and effect of this rule is merely to remove regulations that no longer have any applicability.

This action has been reviewed in accordance with Executive Order No. 12291, (46 FR 13193, February 19, 1981), and it has been determined that it does not constitute a major rule within the meaning of the Executive Order because

it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Because no notice of proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirement of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, pertaining to regulatory flexibility analyses, do not apply to this rule.

I have determined that there is good cause for this removal to be effective upon publication inasmuch as these regulations have had no applicability for over three years.

For the reasons set out in the preamble, Part 705 of Chapter III, Title 10 of the Code of Federal Regulations is hereby removed.

Issued in Washington, D.C., March 11, 1982.

James B. Edwards,

Secretary, Department of Energy.

PART 705—HEARING RULES FOR SANCTION PROCEEDINGS UNDER EXECUTIVE ORDER NO. 11246 (NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS) [REMOVED]

Chapter III of Title 10 of the Code of Federal Regulations is hereby amended by removing Part 705.

Authority: Sec. 644, Pub. L. No. 95-91, 91 Stat. 599 (42 U.S.C. 7254); E.O. No. 12086, 43 FR 46501.

[FR Doc. 82-7683 Filed 3-19-82; 8:45 am]

BILLING CODE 6450-01-M

EXPORT-IMPORT BANK OF THE UNITED STATES

12 CFR Part 407

Regulations Governing Public Observation of Eximbank Meetings

AGENCY: Export-Import Bank of the United States (Eximbank).

ACTION: Final rule.

SUMMARY: Pursuant to the "Government in the Sunshine Act", 5 U.S.C. 552b, notice is hereby given that regularly scheduled meetings of Eximbank's Board of Directors or Executive Committee will be held at 9:00 a.m. every Tuesday.

EFFECTIVE DATE: March 22, 1982.

FOR FURTHER INFORMATION CONTACT:

Warren W. Glick, General Counsel, (202) 556-8334.

SUPPLEMENTARY INFORMATION: This rule amends the following:

PART 407—REGULATIONS GOVERNING PUBLIC OBSERVATION OF EXIMBANK MEETINGS

§ 407.1 [Amended]

12 CFR Part 407.1 (c) by removing "at 10:00 a.m. on Tuesday and Thursday of each week." and adding in lieu thereof "at 9:00 a.m. on Tuesday of each week."

§ 407.3 [Amended]

12 CFR Part 407.3 (a) by removing "at 10:00 a.m. every Tuesday and Thursday" and adding in lieu thereof "at 9:00 a.m. on every Tuesday"

12 CFR Part 407.3 (a) by removing "382-2289" and adding in lieu thereof "566-8871".

Warren W. Glick,

General Counsel, Export-Import Bank of the United States.

[FR Doc. 82-7659 Filed 3-19-82; 8:45 am]

BILLING CODE 6690-01-M

FARM CREDIT ADMINISTRATION

12 CFR Parts 611, 613, 614, 615, 616, 617, and 618

Implementation of Farm Credit Act Amendments of 1980

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, adopts and publishes new, amended, and revised regulations to Title 12, *Code of Federal Regulations*, Chapter VI. These additions, revisions and amendments are adopted primarily for the purpose of implementing the Farm Credit Act Amendments of 1980 (Pub. L. 96-592) and for clarification.

EFFECTIVE DATE: April 18, 1982.

FOR FURTHER INFORMATION CONTACT:

Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION: On November 23, 1981, the Farm Credit Administration noticed and published for public comment proposed new and amended regulations to 12 CFR Parts 611, 613, 614, 615, 616, 617, and 618 (46 FR 57308-57322). The new regulations are §§ 611.1160 and 615.5325. The amended or revised regulations are Part 611, Subpart A, Subpart B, Subpart D, §§ 611.1010, 611.1055, 611.1060, 611.1070,

611.1090, 611.1100, 611.1110, 611.1120; Part 613, §§ 613.3000, 613.3020, 613.3110, 613.3020, 613.3110; Part 614, §§ 614.4051, 614.4070, 614.4180, 614.4230, 614.4310, 614.4340, 614.4511, 614.4520; Part 615, §§ 615.5000, 615.5010, 615.5050, 615.5101, 615.5102, 615.5135, 615.5140, 615.5141, 615.5142, 615.5260, 615.5270, 615.5320, 615.5335, 615.5360, 615.5451; Part 616, § 616.6000, Subpart B, §§ 616.6020, 616.6030, 616.6050, 616.6060, Part 617, §§ 617.7000, 617.7020, 617.7060, 617.7080, 617.7090, Subpart B, §§ 617.7100, 617.7110, 617.7120, Subpart C, § 617.7160, Part 618, §§ 618.8000, Subpart B, Subpart C, § 618.8050, Subpart D, Subpart E, Subpart F, Subpart G, Subpart H, Subpart I, and Subpart J. Also, the following 10 regulations are being deleted or combined with another regulation: § 613.3030, 613.3070, 613.3080, 613.3090, 613.3100, 613.3120, 615.5020, 615.5300, 615.5310, and 618.8240. For purposes of this supplementary information, certain terms are designated as follows: Farm Credit Administration (FCA); Federal Farm Credit Board (Federal Board); Farm Credit System (System); Federal Intermediate Credit Bank (FICB); Production Credit Association (PCA); Federal Land Bank (FLB); Federal Land Bank Association (FLBA); Bank for Cooperatives (BC); Farm Credit Act of 1971, as amended, 12 U.S.C. 2001, *et seq.* (Act); Farm Credit Act Amendments of 1980, Pub. L. 96-592 (1980 Amendments).

Seven parties commented on the proposed regulations—six System banks and one trade association. The Federal Board considered each of the comments received and adopted final regulations in the course of its January 1982 meeting.

Title 12, *Code of Federal Regulations*, Part 611, Subpart A, is amended to reference the 1980 Amendments in the introductory section of Part 611. No comments were received on the proposal.

Subpart B of Part 611 is amended to include "producers or harvesters of aquatic products" among those individuals benefiting from services provided by the system. No substantive comments were received on the proposal.

Subpart D of Part 611 is amended to expand the definition of the System to include unincorporated service organizations and service organizations incorporated under section 4.25 of the Act.

12 CFR 611.1010 is amended for clarity and to include producers or harvesters of aquatic products among those individuals served by the System. No comments were received on the proposal.

12 CFR 611.1055 is amended to extend the requirement for the maintenance of full and complete minutes of meetings of the Governing Body, applicable under the prior regulation to Farmbank Services, to all service organizations, unincorporated and incorporated. The requirement that minutes be sent to FCA is revised to allow FCA flexibility to impose the requirement as the supervisory need arises. No comments were received on the proposal.

12 CFR 611.1060 is amended by making clarifying editorial changes. No comments were received on the proposal.

12 CFR 611.1070 is amended to extend requirements for establishing branch offices, applicable to System banks, to service organizations. No comments were received on the proposal.

12 CFR 611.1090 is amended by changing the title from "Mergers of Districts" to "District Changes" and making clarifying editorial changes. No comments were received on the proposal.

12 CFR 611.1100 is amended to make clarifying editorial changes and incorporate a reference to the 1980 Amendments. No comments were received on the proposal.

12 CFR 611.1110 is amended to make clarifying editorial changes and to incorporate a reference to the 1980 Amendments. No comments were received on the proposal.

12 CFR 611.1120 is amended by changing the format, making editorial changes to achieve greater clarity and readability, and incorporating a reference to the 1980 Amendments. No comments were received on the proposal.

A new regulation, 12 CFR 611.1160, is added which makes regulations applicable to System banks and associations applicable to service organizations created by System banks. No comments were received on the proposal.

12 CFR 613.3000 is amended to (1) reflect the expanded authority of the FLBs to make loans to producers or harvesters of aquatic products, (2) reflect the new authority of the BCs to finance certain international transactions benefiting eligible cooperatives and certain projects of parties in which eligible cooperatives have an ownership interest, and (3) delete the reference to the extension of credit by FICB to persons. No comments were received on the proposal.

12 CFR 613.3020 is revised, combining the provisions of §§ 613.3020 and 613.3030 and incorporating a reference to the new authority granted to the FLBs by the 1980 Amendments to make loans

to producers or harvesters of aquatic products. 12 CFR 613.3030 is removed. Two comments were received regarding the proposed regulation. One commentator suggested the regulation should provide that an individual who has devoted his or her career to farming and ranching and subsequently retires from active employment shall be deemed a bona fide farmer or rancher. Another commentator recommended that the definition of "bona fide farmer or rancher" be restricted to persons owning or leasing agricultural land who are or intend to become directly engaged in agricultural production. The Federal Board did not accept the first suggestion because it believes the Act was intended to serve the credit needs of agricultural enterprises, rather than the credit needs of persons who formerly engaged in agricultural enterprises. Of course, a retired farmer who retains ownership of agricultural land would continue to be eligible to borrow for agricultural purposes. The second suggestion was rejected because the Federal Board believes that the credit needs of agriculture are best served when reasonably priced credit for agricultural purposes is widely available without regard to the production arrangements for a particular parcel of land.

12 CFR 613.3110 is revised, combining the provisions of §§ 613.3070, 613.3090, 613.3100, 613.3110, and 613.3120. The revised § 613.3110 also incorporates the 1980 Amendments, which clarified that BCs may extend credit to cooperative associations which furnish aquatic business services. The revised regulation also reflects the reduction by the 1980 Amendments of the minimum percentage of voting control which must be held by farmers, ranchers, producers or harvesters of aquatic products, and eligible cooperatives, for rural electric, telephone and public utility cooperatives (from 70 to 60 percentum) and for service cooperatives and local farm supply cooperatives, in certain circumstances (from 80 to 60 percentum). "Service cooperative" has been defined in the regulation, but discretion to determine which services qualify under the definition is reserved by FCA. In addition, with FCA prior approval, the bank board may, by resolution, set voting control percentage requirements higher than statutory requirements for a particular type of cooperative. Two comments were received regarding the regulation. One commentator pointed out that the law does not require FCA prior approval of board resolutions which establish higher voting control percentages for particular types of cooperatives. The Federal

Board recognizes that the statute does not expressly require such approvals but believes that the prior approval requirement is necessary and appropriate to the discharge of FCA's supervisory responsibility for the achievement of the Act's purposes. The second commentator suggested the restriction on dividends be raised from 10 to 12 percent or the limit imposed by State law. The Federal Board rejected this suggestion because it fears that a higher limit would encourage the cooperative to shift its emphasis from providing service to realizing greater stockholder returns.

12 CFR 614.4051 is amended to allow association credit reviews to be used in the bank's review process upon certain conditions. Two comments were received regarding the regulation. One commentator suggested that the requirement that the review be supervised by a bank credit officer be changed to require supervision by a bank officer with credit experience and ability. The commentator noted that review departments are separate from credit departments and, in any event, the review should be conducted by an individual having "credit skills" as distinguished from "lending authority." The other commentator suggested deleting the words "relative progress being made by individual borrowers" or otherwise limiting its application to reviews of lending by PCAs. The Federal Board concurred with the first suggestion, deleting the word "credit" as a modifier of "officer" in paragraph (a)(1). The Federal Board responded to the second comment by adding wording to § 614.4051(a)(7) to indicate that information about individual borrower progress need only be obtained in the course of usual borrower contacts.

12 CFR 614.4070 is amended by deleting the requirement that farming or livestock operations which are partially within and partially outside the territory of an association be regarded as one farming or livestock unit for the purpose of determining whether the operation conducted outside the territory may be financed. The concurrence of the supervising bank(s) in whose territory(ies) the operation is conducted is still required to finance out-of-territory operations. No comments were received on the proposal.

12 CFR 614.4180 is amended to implement the authority granted FCA by the 1980 Amendments to set a higher permissible loan-to-value ratio for loans guaranteed by a governmental entity than the statutory 85-percent ratio applicable to loans not so guaranteed. The regulation adopts the 97-percent

statutory ceiling for the loan-to-value ratio for Government-guaranteed loans as the permissible higher ratio for such loans. No comments were received on the proposal.

12 CFR 614.4230 is amended by adding real estate used as an integral part of eligible aquatic operations to the real estate interests which are eligible as primary security for an FLB loan. No comments were received on the proposal.

12 CFR 614.4310 is revised to permit the limitations on rates charged the borrower by non-System institutions on loans discounted or purchased by the FICB to be applied differently to fixed and variable rate loans. The limitation (no more than 4 percent higher than the FICB rate) would be applied to fixed rate loans at the time the loan is made, but to variable rate loans at all times during the life of the obligation. One commentator suggested that the absolute 4-percent limitation be eliminated and that the limitation be set by FCA periodically. The Federal Board rejected this suggestion because it believes that its statutory obligation to provide agricultural credit at reasonable rates is best met by setting an absolute limitation.

12 CFR 614.4340 is revised to reflect the 1980 expansion of authority of Farm Credit institutions to enter into agreements to share loan and other losses with other Farm Credit institutions. The prior regulation permitted loss-sharing agreements for the purpose of protecting against impairment of capital stock and participation certificates among the 12 FLBs, among the 12 FICBs, among the 12 BCs, or among all 37 Farm Credit banks. Other loss-sharing agreements were permitted only between like associations in the same district or between the association and its supervising bank. Under the revised regulation, agreements to share losses for any purpose may be entered into among the 12 FLBs, among the 12 FICBs, among the 12 BCs, among the 37 Farm Credit banks, between associations and their supervising banks and, with the approval of the supervising bank, among associations operating under the same title of the Act. No comments were received on the proposal.

12 CFR 614.4511 is revised to require FLBs to adopt, subject to FCA approval, policies governing compensation of FLBAs and to permit compensation plans consistent with such policies to be adopted by the bank board without FCA approval. The prior regulation required compensation plans to be approved by FCA. No comments were received on the proposal.

12 CFR 614.4520 is amended to extend special lending programs to producers or harvesters of aquatic products. No comments were received on the proposal.

12 CFR 615.5000 is amended to clarify the responsibilities of the various parties involved in the System's funding program and to delineate the overall approach to the procurement of funds. Two comments were received regarding § 615.5000(c). One suggested the words "debt obligation" be changed to "bonds." The other commentator noted that consultation with the Treasury Department is not required by the Act and could result in an unduly cumbersome procedure for issuing discount notes. The Federal Board rejected the use of the word "bonds" as being too narrow for the purposes intended. The second comment was disregarded because consultation with the Treasury Department is required by the 1980 Amendment of section 5.10 of the Act and facilitates the orderly marketing of Farm Credit securities. Furthermore, the regulation reflects current practice, which has not proved to be unduly cumbersome. One other commentator felt the proposed regulation conflicted with the Act because the regulation limits the purpose to "loan" funds and would restrict the use of funds for other authorized purposes. The Federal Board responded to this comment by deleting "loan" as a modifier of funds.

12 CFR 615.5010 is revised to articulate more clearly the responsibilities of the Fiscal Agency and System institutions in the issuance and marketing of System securities. No comments were received on the proposal.

12 CFR 615.5020, which directs Farm Credit banks to borrow interbank or intersystem funds prior to borrowing from other institutions, is deleted because it is deemed to be unnecessary because of the added flexibility the banks have through the issuance of consolidated Systemwide bonds and notes. No comments were received on the proposal.

12 CFR 615.5050 is amended by adding the requirement that bank management certify the eligibility and adequacy of the collateral each month to the board, by redefining the method of evaluating the value of investments for collateral purposes, and by reflecting the new authority granted FLBs by the 1980 Amendments to make loans in amounts up to 97 percentum of the appraised value of the collateral when the loans are guaranteed by a governmental entity. Two commentators felt that a certified report at each regular board

meeting is excessive and unnecessary. The Federal Board rejected this suggestion because it feels the banks should be encouraged to take appropriate steps to maintain collateral and that bank boards of directors should be appraised of collateral value on a regular basis. One commentator suggested changing the words "cost or market value" to "cost or par value" and another suggested changing the words to "carrying or market value." Both suggestions were rejected because "cost or market value" reflects more accurately the intent of the regulation.

12 CFR 615.5101 is amended by adding the collateral certification required by 12 CFR § 615.5050(e)(3) to the topics which must be addressed in the resolution authorizing the issuance of debt obligations. No comments were received on the proposal.

12 CFR 615.5102 is amended to reflect the 1980 Amendments of the Act to allow bank presidents to delegate their authority to serve on the finance committees. One commentator recommended the deletion of the requirement that the Governor approve procedures and other organizational matters related to the finance committees and subcommittees. The Federal Board rejected the suggestion because of its belief that the Governor's approval is necessary to ensure that funding objectives are met and that the overall responsibilities for funding of the System are properly discharged.

12 CFR 615.5135 is revised to delineate the permissible purposes for which investments may be made and to emphasize that banks are not authorized to maintain large investment positions solely for the purpose of generating additional income. The amended regulation also requires the bank boards to adopt an investment policy which addresses the purpose of the investments, the portfolio objectives, the bank's liquidity needs, the portfolio size and quality, maturity guidelines, management of investment activities, and reporting and monitoring requirements. No comments were received on the proposal.

12 CFR 615.5140 is amended to expand the list of obligations eligible as investments for System institutions to include World Bank obligations denominated in dollars, prime commercial and finance paper, and repurchase agreements relating to eligible investments. One commentator suggested that limitations of commercial and finance paper investments to 15 percent of the portfolio be applied at the time of acquisition rather than during the life of the investment. The Federal

Board intends that the limitation be applied at the time the investment is made. The same commentor recommended that subsection (b) be modified to allow for evaluation of face value of investments with maturities of 12 months or less. This suggestion was also rejected.

12 CFR 615.5141, which delineates permissible investments for PCAs, is amended to conform the language to the amended 12 CFR 615.5140. No comments were received on the proposal.

12 CFR 615.5142, which delineates permissible investments for FLBAs, is amended to conform the language to the amended 12 CFR 615.5140. No comments were received on the proposal.

12 CFR 615.5260 is amended to reflect the 1980 Amendments of the Act permitting the retirement or cancellation of borrowers' equity in a BC outside the normal revolving cycle at fair market value in the event of the borrower's liquidation, dissolution, or default on indebtedness to the bank. No comments were received on the proposal.

12 CFR 615.5270(b) is amended to reflect the 1980 Amendment of the Act deleting the word "fair" as a modifier of "book value" wherever it appears in the Act. The purpose of the amendment was to remove the ambiguity created by the use of the word "fair" as a modifier of "book value." No comments were received on the proposal.

12 CFR 615.5300 and 615.5310 are deleted because they merely describe procedures for retiring FICB stock and replacing lost or stolen FICB certificates, which are more appropriately a subject for bank manuals on practices and procedures. No comments were received on the proposal.

12 CFR 615.5320 is amended to delete the word "fair" as a modifier of "book value" and to permit the FICB flexibility, in circumstances approved by FCA, to retire stock acquired through patronage distributions before retiring stock acquired by purchase. No comments were received on the proposal.

12 CFR 615.5325 is added implementing the 1980 Amendments to the Act, authorizing FLBs to accept and FLBAs to make capital contributions to the FLB, subject to FCA approval. No comments were received on the proposal.

12 CFR 615.5335 is amended to require the FICBs to maintain a loan loss reserve adequate to reflect the "current value" rather than the "fair book value" of its assets. The proposed amendment of this regulation used the term "reasonable net value." "Current value" is substituted for "reasonable net value" in the final regulations because it is a more commonly understood accounting

term. No comments were received on the proposal.

12 CFR 615.5360 is amended to implement the new authority granted to FLBs and FLBAs by the 1980 Amendments to pay patronage refunds to borrowers. No comments were received on the proposal.

12 CFR 615.5451 is amended to permit consolidated Systemwide notes to be issued in denominations of \$500,000 and \$5,000,000, as well as in denominations of \$50,000, \$100,000, and \$1,000,000, which were permitted under the prior regulation. One commentor suggested eliminating any reference to denominations. The suggestion was rejected because the Federal Board believes the regulation an appropriate method of providing public notice of the denominations in which consolidated Systemwide notes are available.

12 CFR 616.6000 is amended by making minor editorial adjustments. No comments were received on the proposal.

12 CFR, Part 616, Subpart B, is amended by adding the words "and Technical Assistance" to the title. No comments were received on the proposal.

12 CFR 616.6020 is amended to recognize that in addition to credit, System institutions also provide financially related services and technical assistance and to clarify that district policies should address these services. Also, FLB and PCA lending to small, eligible cooperatives is added to the list of subjects which district policies are required to address. No comments were received on the proposal.

12 CFR 616.6030 is amended to clarify that the list of lending authorities and relationships which rural housing policies should address which are enumerated in the present regulation is not exclusive. No comments were received on the proposal.

12 CFR 616.6050 is amended to extend the authority of the banks for cooperatives to lend to eligible cooperatives to fund extensions of credit to their members to include extensions of credit to producers or harvesters of aquatic products. No comments were received on the proposal.

12 CFR 616.6060 is amended by adding "persons eligible for services" to borrowers, as persons eligible to utilize financially related services. The Act authorizes such services to be extended to borrowers, members, and applicants. One commentor felt the language "and other persons eligible for services" was too restrictive. The Federal Board disagrees that the term is too restrictive and understands the legislative intent of the Act to be that such services shall be

extended only to borrowers and persons eligible to borrow from System institutions.

12 CFR, Part 617, is amended by changing the word "Irregularities" to "Investigations" in the title. No comments were received on the proposal.

12 CFR 617.7000 is amended to reflect that service organizations will be subject to FCA examination. No comments were received on the proposal.

12 CFR 617.7020 is amended by deleting the introductory paragraph, as unnecessary. No comments were received on the proposal.

12 CFR 617.7060 is amended to provide that any incorporated or unincorporated service organizations approved by FCA shall be examined and audited by FCA and to clarify that all bank and association activities are subject to FCA examination and audit. One commentor recommended that "other related activities" be changed to "other institutions." The Federal Board did not adopt the suggestion because all activities of Farm Credit institutions are subject to FCA examination and audit, whether or not they are institutionalized. An editorial change was made in response to the comment, however, for clarity.

12 CFR 617.7080 is amended to clarify that the regulation is applicable to examinations and audits of service organizations and to delete the requirement that the report of examination or audit of banks and service organizations be presented by the examiner at the first scheduled board meeting subsequent to receipt of the report. The amended regulation continues to require, however, that the report be reviewed with the bank's board of directors, and the requirement that association examination and audit reports be reviewed at the first scheduled association board meeting subsequent to receipt of the report is retained. The regulation is further amended to require the reports to be transmitted to the board of directors through its chairman, changing the existing practice of transmitting the report to the directors through bank management. No comments were received on the proposal.

12 CFR 617.7090 is amended to clarify that the regulation is applicable to all institutions of the Farm Credit System and their agents. No comments were received on the proposal.

12 CFR, Part 617, Subpart B, is amended by changing the word "Irregularities" to "Investigations" in the

title. No comments were received on the proposal.

12 CFR 617.7100 is amended by enumerating the Federal criminal statutes most commonly involved in System investigations. A commentator's suggestion that 18 U.S.C. 658, be included was accepted.

12 CFR 617.7110 is amended to shift the responsibility for determining what further actions should be taken when a suspected violation is reported from the bank to the Chief Examiner of FCA. In addition, bank management is required to keep the bank boards informed of all irregularities. No comments were received on the proposal.

12 CFR 617.7120 is amended to require that the Chief Examiner of FCA, rather than the bank's attorney, refer cases concerning violations of Federal criminal statutes directly to the United States attorney. One commentator recommended the regulation not be changed because the bank is in a better position to know whether a criminal act has been committed. The Federal Board rejected the recommendation because it believes that past experience has demonstrated that the bank is not always in the best position to determine whether a crime has been committed and that centralizing this function will result in more effective prosecution of Federal criminal offenses.

12 CFR, Part 617, Subpart C, is amended by changing the word "Irregularities" to "Investigations" in the title. No comments were received on the proposal.

12 CFR 617.7160 is amended to require that suspected violations of Federal criminal statutes by borrowers which are reported to the United States attorney also be reported to the General Counsel of FCA. The prohibition of threats to borrowers of criminal prosecution by association or bank employees is extended to directors and is made to apply at any time. Under the former regulation, the prohibition applied only after a criminal violation appeared to have occurred. No comments were received on the proposal.

12 CFR 618.8000 is amended to include aquatic operations among the appropriate purposes for financially related services. No comments were received on the proposal.

12 CFR, Part 618, is amended by reserving Subpart B for a regulation regarding the sale of insurance to members and renumbering existing Subparts B through I accordingly. No comments were received on the proposal.

12 CFR 618.8050 is amended to include facilities needed in aquatic operations

among facilities which FLBs and PCAs may own and lease. No comments were received on the proposal.

12 CFR 618.8240 is deleted because the 1980 Amendments remove the statutory restriction on the location of FCA's headquarters to the District of Columbia and permit FCA to locate its principal office in the Greater Metropolitan Washington Area. Since the regulation merely repeated the statute, it is deleted rather than modified. No comments were received on the proposal.

For the convenience of the reader, a redesignation table showing the old subparts of Part 618 and the new is shown below.

PART 618—GENERAL PROVISIONS

Subpart	Previous subpart
Subpart A—Technical Assistance and Financially Related Services.	Same.
Subpart B—Member Insurance.	New.
Subpart C—Leasing.....	Subpart B—Leasing.
Subpart D—Procedures and Guidelines.	Subpart C—Procedures and Guidelines.
Subpart E—Nomination and Election of Directors.	Subpart D—Nomination and Election of Directors.
Subpart F—Miscellaneous Provisions.	Subpart E—Miscellaneous Provisions.
Subpart G—Releasing Information.	Subpart F—Releasing information.
Subpart H—Disposition of Obsolete Records.	Subpart G—Disposition of Obsolete Records.
Subpart I—Federal Records.....	Subpart H—Federal Records.
Subpart J—Internal Controls.....	Subpart I—Internal Controls.

For the reasons set out in the preamble, Parts 611, 613, 614, 615, 616, 617, and 618 of Chapter VI, Title 12 of the *Code of Federal Regulations* are amended or revised as follows:

PART 611—ORGANIZATION

1. 12 CFR, Part 611, Subpart A, is revised to read as follows:

Subpart A—Introduction

§ 611.100 The Farm Credit Act.

The Farm Credit Act of 1971, Public Law 92-181, approved December 10, 1971, recodified and replaced the prior laws under which the Farm Credit Administration and the institutions of the Farm Credit System were organized and operated. The prior laws which were repealed and superseded by the 1971 Act are identified in section 5.26(a) of the Act. Section 5.26(b) retained the effectiveness of the existing regulations of the Farm Credit Administration and the Farm Credit System, the institutions' charters, bylaws, resolutions, stock classifications, policy, and elections until superseded, modified, or replaced under the authority of the Act. The Farm Credit Act Amendments of 1980, Public Law 96-592, amended the Farm Credit Act of 1971, effective December 24, 1981.

All references to "the Act" in this subchapter shall be deemed to be references to the Farm Credit Act of 1971, as amended. All obligations and contracts under the prior laws remain enforceable unless and until modified by the Act. The purpose of these regulations is to implement the provisions of the Act. Contracts, including but not limited to notes, bonds, debentures, loans, security, and collateral, entered into by the Farm Credit Administration or any of the institutions of the Farm Credit System before the issuance of these regulations shall remain valid and enforceable upon their terms unless and until they are subsequently modified in accordance with the Act.

2. 12 CFR, Part 611, Subpart B, is revised to read as follows:

Subpart B—Policy

§ 611.200 Farm Credit policies.

Recognizing as national policy that a prosperous and productive agricultural economy requires a permanent financing system, Congress initially authorized prior law and continued under the 1971 Act, a System of limited-purpose, farmer-owned banks and associations designed to furnish sound, adequate, and constructive credit to farmers and ranchers and their cooperatives. The 1980 Amendments to the Farm Credit Act of 1971 expanded the classes of eligible borrowers to include producers or harvesters of aquatic products, and expanded the lending authority of System institutions to enable them to be more responsive to the credit needs of agriculture. This expanded authority accentuates the impact of the System on agricultural and aquatic economies, on the other elements of the Nation's total business community, and on the public generally. Consequently, the public interest will be protected under rules dealing with supervision, examination, audit, lending, and funding operations of the System. These regulations identify areas in which Systemwide and district policies for the guidance of management and operations of the banks and associations are necessary to assure the accomplishment of the Act's objectives.

3. 12 CFR, Part 611, Subpart D, is revised to read as follows:

Subpart D—The Farm Credit System

§ 611.400 System organization.

(a) The Farm Credit System includes the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, the banks for cooperatives, service

corporations authorized by section 4.25 of the Act and unincorporated service organizations formed pursuant to agreements authorized by section 5.6(a)(5) of the Act. Each institution is chartered by the Farm Credit Administration, an independent agency of the executive branch of the United States Government. Each of these banks, associations, and service corporations is an instrumentality of the United States, created to carry out the congressional policy and objectives of the Act. These institutions are subject to the regulation and supervision of the Farm Credit Administration. Each bank has immediate supervisory responsibility over its respective associations in its district. The banks which are stockholders of a service corporation have, through their boards of directors, immediate supervisory responsibility over the service corporation.

(b) The banks have immediate supervisory responsibility over unincorporated service organizations as owners or as participating users. Through their boards, the banks prescribe the powers, duties, authorities, and functions of such organizations. Unincorporated service organizations are under the direction of their governing bodies or similar managing bodies.

4. Section 611.1010 is revised to read as follows:

§ 611.1010 Powers, duties, and responsibilities.

The district board, acting in that capacity or as the board of a bank, as appropriate, shall:

(a) Provide rules for its operation as a district board and as a separate board for each bank, and provide such other rules, guidelines, and policy guidance within the district as may be appropriate for the effective implementation of the Act and these regulations.

(b) Adopt bylaws for each bank and approve bylaws for associations from standard and optional bylaws approved by the Farm Credit Administration. Bylaws and amendments to bylaws proposed by a bank or association require Farm Credit Administration approval before implementation.

(c) Authorize agreements for joint services which can be most effectively performed by joint undertakings within or between districts for functions and services to borrowers and to institutions of the System. When such agreements have impact on or implications for other institutions of the System, the general protection of borrowers' equities, or the overall public interest, the proposals shall be undertaken after prior

consultation with Farm Credit Administration.

(d) Employ a chief executive officer for each bank, and establish performance standards for the office. The board shall hold the officer accountable for the responsibilities delegated to him or her in administering the bank's business. The chief executive officer shall operate the bank according to policies prescribed and approved by the board, and according to the provisions of these regulations, the bylaws, and the Act.

(e) Adopt a policy to provide direction for the district and each Farm Credit entity in the district with regard to the management of human resources. Such policy shall include a statement of the board concerning recruitment and placement, employee development and training, and compensation and benefits.

(f) Provide for the supervision of the associations in the district to assure that authorized services are available to eligible persons in the most effective and efficient manner.

(g) Adopt and prescribe consistent lending and operating policies for each bank and for all associations in the district as authorized by the Act and by these regulations. Such policies shall establish that the credit and other services available to eligible persons are uniform, to the extent feasible, and are at the lowest reasonable cost consistent with sound business operations. The policies of the board shall recognize that the strength of the Farm Credit System lies substantially in its cooperative character, that each institution is an integral part of the statutory scheme for the whole System, and shall require that each institution shall consider the total credit needs of and services available to eligible borrowers.

(h) Formulate broad policy guidelines concerning the funding operations of banks in the district and in concert with other district boards, furnish long-range guidance to the System for future funding of the System.

(i) Consider recommendations made in examination and audit reports and take appropriate corrective actions, as determined by the board or as required by the Farm Credit Administration. If the district board does not concur with corrective actions required by the Farm Credit Administration, the Federal Farm Credit Board shall determine the appropriate corrective action.

(j) Provide a periodic review of the credit and related service needs of farmers, ranchers, producers or harvesters of aquatic products, and cooperatives in the district, and recommend programs or program

modifications to the Federal Farm Credit Board.

5. Section 611.1055 is revised to read as follows:

§ 611.1055 Minutes of the governing bodies of incorporated and unincorporated service organizations.

The governing bodies of incorporated and unincorporated service organizations shall keep full and accurate minutes of their meetings. Copies of the minutes shall be sent, as required, to the Farm Credit Administration.

6. Section 611.1060 is revised to read as follows:

§ 611.1060 District organization.

The district board shall provide a means of facilitating and promoting maximum communications among the banks in the district. In addition, the district board shall provide an efficient and effective means of coordinating communications of the banks in the district with the Farm Credit Administration, with other parts of the System, with other organizations, with borrowers, and with the public. The district board shall provide for these means of communications through a committee of presidents of the three banks in the district or through some other organizational pattern. The organizational pattern should encourage and help effectuate closer relationships among the banks as a means of providing in the most efficient and effective manner the best possible service to members.

7. Section 611.1070 is revised to read as follows:

§ 611.1070 Branches.

(a) A bank, an incorporated service corporation, or an unincorporated service organization may establish branches or other offices necessary for the effective operation of its business upon approval of its board or governing body. Such actions shall require the approval of the Farm Credit Administration.

(b) An association may establish such branches or other offices necessary for the effective service to borrowers when approved by its board and the supervisory bank.

8. Section 611.1090 is revised to read as follows:

§ 611.1090 District changes.

District boards may recommend the merger of two or more districts, the transfer of territories between districts, or a change in the name of a district. The recommendation and justification for the recommendation shall be

submitted by the district boards to the Farm Credit Administration for tentative approval by the Federal Farm Credit Board before they are submitted for any required stockholder approval.

Following approval by the stockholders, the proposed change shall be submitted to the Farm Credit Administration for approval by the Federal Farm Credit Board.

9. Section 611.1100 is revised to read as follows:

§ 611.1100 Mergers or consolidations of banks.

As authorized by sections 4.10 and 5.18 of the Act, similar banks (operating under the same title of the Act) may merge or consolidate. Any of the banks proposing to merge or consolidate shall jointly submit to the Farm Credit Administration for review the proposal and justification for the proposed action and recommendations for the formulation of a board of directors for the continuing or consolidated bank. Approval of the merging or consolidating banks' stockholders shall be obtained after tentative approval by the Federal Farm Credit Board. Following approval by the stockholders, the proposed merger or consolidation shall be submitted to the Farm Credit Administration for final approval by the Federal Farm Credit Board.

10. Section 611.1110 is revised to read as follows:

§ 611.1110 Creation of new associations.

Any application for the issuance of a charter to a new Federal land bank association shall meet the requirements of section 1.13 of the Act, and any application for the charter of a new production credit association shall meet the requirements of section 2.10 of the Act. Along with the application and recommendations required by said sections, the proposed association shall submit its proposed bylaws from the standard or optional bylaws approved by the Farm Credit Administration, or its proposed additions and modifications to approved standard bylaws provisions.

11. Section 611.1120 is revised to read as follows:

§ 611.1120 Amendments of association charters.

(a) The Governor shall have the power to direct at any time changes in an association's charter that are necessary to accomplish the purposes of the Act.

(b) Subject to the approval of the bank board and the Farm Credit Administration, an association charter may be amended. Proposals for

amendment may include, among others, mergers or consolidations, transfers of territories, and changes in association headquarters and title. Proposals for any charter amendments shall be submitted by the bank to the Farm Credit Administration. The proposal shall be accompanied by the following:

(1) A certified copy of the association's board of directors' resolution approving the proposed change.

(2) A certified statement from the bank's board of directors approving the proposed change.

(3) Any additional information that would be helpful to the Farm Credit Administration in acting upon the proposed change.

(c) Proposals for mergers or consolidations are subject to the following procedures. The boards of directors of two or more similar associations may propose to merge or consolidate associations. The resolutions proposing such agreement shall be submitted to the supervising bank board for approval, together with an agreement setting forth the terms and conditions of the merger or consolidation.

(1) The agreement for merger or consolidation shall include:

(i) The proposed effective date.

(ii) The proposed name and location of the continuing or consolidated association.

(iii) The proposed charter and bylaws of the continuing or consolidated association.

(iv) The names of persons nominated to serve as directors until the first annual meeting after the merger or consolidation. In a merger, present directors of the merging associations may serve as directors of the continuing association until the expiration of their terms. However, the directors must be serving current terms of office that will expire on a staggered basis to assure that an election of director(s) occurs at the first and subsequent annual stockholders' meetings following the merger. In such cases, the number of directors cannot exceed the maximum number of directors designated in the continuing association's bylaws.

(v) The authority for transferring assets to and for assuming liabilities by the continuing or consolidated association.

(vi) The provision relating to the stock of the constituent associations and the stock of the continuing or consolidated association. No fractional shares of stock shall be issued.

(vii) The granting of authority to persons designated to carry out the terms of the agreement, including the

authority to execute any documents necessary to perfect title.

(2) Approval of a merger or a consolidation follows two steps:

(i) If the bank board approves the proposed merger or consolidation, the bank shall certify and shall transmit the tentative agreement to the Farm Credit Administration for review and for tentative approval. When the bank obtains the tentative approval of the Farm Credit Administration, the proposed merger or consolidation shall be submitted to the stockholders of the merging or consolidating associations for approval. Approval shall require a majority of the voting stockholders present and the written proxies (of voting stockholders) which are presented at a duly held stockholders' meeting of each constituent association. Voting may be by proxy, duly authorized in writing. The bank shall prescribe the form of proxy which shall be furnished or made available to each stockholder eligible to vote.

(ii) If the associations' stockholders approve the proposed merger or consolidation, the bank shall forward to the Farm Credit Administration a copy of the stockholders' resolution and a certified statement from each constituent association. The statement shall certify that the quorum, including proxies, was present at the stockholders' meeting and that a majority of the members voting, including proxies, approved the proposed merger or consolidation. If the Farm Credit Administration approves the proposed merger or consolidation, it shall amend the charter of the continuing association or issue a new charter to the consolidated association. Thereafter, the designated directors of the continuing or consolidated association may take actions necessary to transact the association's business, subject to ratification by the directors at the first meeting after the effective date of the merger or consolidation. The execution of the agreement and the merger or consolidation in its entirety shall be under the direction of the bank. Bylaws of the continuing or consolidated association shall be submitted to the Farm Credit Administration for approval when appropriate.

(d) Territorial adjustments are subject to the following requirements:

(1) All stockholders and all borrowers whose operations are located in adjusted territories shall be informed in writing of the territory adjustment. Also, they shall be notified of the transfer of their loans and the exchange of related equities for equities of like kinds and

amounts in the transferee association. If a like kind of equity is not available in the transferee association, similar equities shall be offered which will not affect adversely the interests of the owner. Upon written request, each stockholder shall be informed of the availability of the association's latest financial and related information for review by the stockholder.

(2) The Agreement of Transfer of Territory and the notice of territory transfer shall provide 60 days from the date of the notice for stockholders to notify either association in writing of their decision to decline acceptance of the equities of the transferee association and to remain with the transferor association for normal servicing until the current loan is paid. Any application by the borrower for renewal or for additional credit shall be made to the transferee association, except for those applications permitted under § 614.4070.

12. Part 611 is amended by adding § 611.1160 to read as follows:

§ 611.1160 Incorporated and unincorporated service organizations.

Incorporated and unincorporated service organizations shall be subject to regulations for the banks and associations of the Farm Credit System.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

1. Section 613.3000 is revised to read as follows:

§ 613.3000 Authority.

Sections 1.8, 2.3, and 2.15 of the Act authorize the Federal land banks and production credit associations to make loans to bona fide farmers, ranchers, producers or harvesters of aquatic products, rural residents, and persons furnishing services directly related to the onfarm operating needs of farmers and ranchers. Similarly, sections 3.7 and 3.8 of the Act authorize banks for cooperatives to make loans to eligible cooperatives and loans to domestic or foreign parties that substantially benefit a cooperative which is a voting stockholder.

2. Section 613.3020 is revised to read as follows:

§ 613.3020 Farmers and ranchers and producers or harvesters of aquatic products.

(a) Definitions:

(1) A bona fide farmer or rancher is a person owning agricultural land, or engaged in the production of agricultural products, including aquatic products under controlled conditions.

(2) A producer or harvester of aquatic products is a person engaged in

producing or harvesting aquatic products for economic gain in open waters under uncontrolled conditions.

(b) Eligibility:

(1) To be eligible to borrow, an individual's qualification as a bona fide farmer, rancher, or producer or harvester of aquatic products shall be established as a part of the application for credit.

(2) A legal entity shall meet the same requirements in either paragraph (a) (1) or (2) above and at least one of the following qualifications to be eligible to borrow:

(i) More than 50 percent of the value or number of shares of its outstanding voting stock or equity is owned by the individuals conducting the farming, livestock, or aquatic operation.

(ii) More than 50 percent of the value of its assets consists of assets related to the production of agricultural products or production or harvest of aquatic products.

(iii) More than 50 percent of its income originates from its production of agricultural products or production or harvest of aquatic products.

(c) In addition, any loan to a legal entity in which at least 50 percent of the ownership or control is vested directly or indirectly in another legal entity that does not meet at least one of the preceding three requirements shall be subject to prior approval of the appropriate bank and submitted to the Farm Credit Administration for post-review. The applicant must also demonstrate that such owned or controlled legal entity can operate as a counterpart to the normal farm or aquatic business eligible to borrow, without jeopardy to such normal farm or aquatic business or the general agricultural or aquatic economy. Submissions shall fully document the ownership structure, the business affiliations of those owning or controlling the applicant, and the compatibility of the applicant's farming or aquatic business to normal farm or aquatic business operating in the area or to the general agricultural or aquatic economy.

(d) A legal entity engaged in agriculture or production or harvesting of aquatic products for the primary purpose of conducting its operation at a loss to absorb taxable income from nonagricultural or nonaquatic sources shall not be eligible. The legal entity shall demonstrate compliance with this subsection.

§ 613.3030 [Removed]

3. Part 613, Subpart B, is amended by removing § 613.3030.

§§ 613.3070, 613.3080, 613.3090 and 613.3100 [Removed]

4. Part 613, Subpart D, is amended by removing §§ 613.3070, 613.3080, 613.3090, and 613.3100.

5. Section 613.3110 is revised to read as follows:

§ 613.3110 Cooperative eligibility.

(a) Definitions. For the purpose of this part—

(1) "Cooperative" means any association of farmers, ranchers, producers or harvesters of aquatic products, or any federation of such associations, or a combination of such associations and farmers, ranchers, or producers or harvesters of aquatic products, which is operated on a cooperative basis; is engaged in processing, preparing for market, handling, or marketing farm or aquatic products; or purchasing, testing, grading, processing, distributing, or furnishing farm or aquatic supplies; or furnishes farm or aquatic business or other services to eligible farmers, ranchers, producers or harvesters of aquatic products, or eligible cooperatives.

(2) "Cooperative basis" means the conduct of business for the mutual benefit of the members as patrons.

(3) "Farm or aquatic supplies and farm or aquatic business services" are any goods, business, or services normally used by farmers, ranchers, or producers or harvesters of aquatic products which contribute to their business operations or are in furtherance of the welfare or security of the livelihood of such persons.

(4) "Service cooperative" is a cooperative predominantly involved in providing a specialized business service related to the agricultural or aquatic business operations of farmers, ranchers, or producers or harvesters of aquatic products, or cooperatives as approved by the Farm Credit Administration.

(b) Eligibility. To be eligible to borrow from a bank for cooperatives, a cooperative shall meet the following requirements:

(1) The percentage of voting control of the cooperative held by farmers, ranchers, producers or harvesters of aquatic products, or cooperatives eligible to borrow from a bank for cooperatives shall be at least 80 percent except:

(i) 60 percent in the case of rural electric, telephone, public utility, and service cooperatives;

(ii) 60 percent in the case of local farm supply cooperatives which have historically served needs of the community that would not adequately

be served by other suppliers and have experienced a reduction in the percentage of farmer membership due to circumstances beyond their control such as, but not limited to, urbanization of the community;

(iii) 60 percent in the case of local farm supply cooperatives which provide or will provide needed services to a community and which are or will be in competition with a cooperative specified in Section 3110(b)(1)(ii).

(2) Requirements for a higher percentage of voting control by farmers, ranchers, producers or harvesters of aquatic products, or eligible cooperatives may be established by resolution of the bank board with respect to any type of cooperative. Such higher voting control percentage requirements shall be applied uniformly and consistently to any type of cooperative so designated in the bank board resolution. Such resolutions shall be subject to the prior approval of the Farm Credit Administration.

Bank board policies shall ensure that bank procedures require good faith representations on the part of borrowers in applications for loans and in loan covenants to affirm that the minimum farmer, rancher, and aquatic producer or harvester voting control percentage requirements established by the Act are met. The procedures shall require documentation in bank loan files of the basis on which such representations are made and accepted in the case of those cooperatives whose records do not establish the percentage of voting control held by agricultural or aquatic producers. Board policies concerning cooperative voting control shall be subject to Farm Credit Administration approval.

(3) The cooperative deals in farm or aquatic products or products therefrom, farm or aquatic supplies, or farm or aquatic business services with or for members in an amount at least equal in value to the total amount of such business transacted by it with or for nonmembers, excluding from the total of member and nonmember business transactions with the United States or any agencies or instrumentalities thereof or services or supplies furnished as a public utility.

(4) No member of the cooperative has more than one vote because of the amount of stock or membership capital owned therein; or, the cooperative must restrict dividends on stock or membership capital to 10 percent per year or the maximum percentage per year permitted by the applicable State statutes, whichever is less.

(5) A cooperative which is not eligible under the foregoing requirements but which was otherwise eligible and was a borrower on May 17, 1972, will continue to be eligible for further borrowing provided it does not materially change its entity structure or ownership and control and continues to meet the eligibility standards under which it was qualified to borrow on May 17, 1972.

(c) Scope of financing. A bank for cooperatives may make loans to meet any credit need which will enable a cooperative to perform those functions or powers prescribed in § 613.3110(a) which will benefit its members. A bank may also make loans to a cooperative otherwise eligible to borrow for purposes not directly related to such primary functions or powers, so long as a finding is made that the amount to be lent is reasonably modest in relation to the total credit provided and such business purpose(s) will enhance the well-being of the members and patrons.

§ 613.3120 [Removed]

6. Part 613, Subpart D, is amended by removing § 613.3120.

PART 614—LOAN POLICIES AND OPERATIONS

1. Section 614.4051 is revised to read as follows:

§ 614.4051 Federal land bank and Federal intermediate credit bank credit review.

(a) It shall be the duty of each supervising bank to review adequately and evaluate annually the credit quality of loans and related loan assets and the quality of credit administration in each Federal land bank association and each production credit association. Each bank board shall adopt policies prescribing credit review criteria and providing for the issuance of a report to the association board. The adequacy and reliability of bank reviews and the completeness of reporting shall be major considerations by Farm Credit Administration examiners in determining the scope of their audit and examination of associations and banks. Bank policies shall be subject to approval by the Farm Credit Administration. The policies shall include at least the following:

(1) Evaluating and reporting shall at all times be under the supervision of a bank officer, properly trained and with proven capability in analyzing loans, credit administration, and personnel performance.

(2) A credit review program shall be prepared annually which will designate the scope of review to be made in each association. The extent of review may range from a minimum sampling in

strong associations to a full review in weaker associations. All associations shall be subject to a comprehensive review at intervals of no more than 3 years.

(i) Scope of review—production credit associations. A comprehensive scope of review shall include a review of loans, acquired property, sales contracts, liquidating assets, the total area of credit administration, and the report from the association board at yearend of the number and amount of losses estimated in its loan portfolio. The basis for a decision to exclude any of these areas from a minimum review should be documented in the review report.

(ii) Scope of review—Federal land bank associations. A comprehensive scope of review shall include new loans made, partial release and subordination functions, forbearance cases, overall loan servicing, the total area of credit administration, including appraisal accuracy, and the report from the association board at yearend of the number and amount of losses estimated in its loan portfolio. The basis for a decision to exclude any of these areas from a minimum review should be documented in the review report.

(3) An annual written report shall be prepared on each Federal land bank association and production credit association detailing:

- (i) The quality of credit,
- (ii) The quality of credit administration, and
- (iii) An evaluation of management (unless prepared by other bank departments) and compliance with law, regulations, and association and bank policies.

(4) Loans shall be classified in accordance with the following Systemwide loan classification standards:

(i) Acceptable loans. Loans of highest quality, ranging down to and including those having significant credit weaknesses.

(ii) Problem loans. Loans having serious credit weaknesses requiring more than normal supervision but believed to be collectible in full.

(iii) Vulnerable loans. High risk loans still considered collectible but involving probability of loss in the event repayment from available sources does not materialize.

(iv) Loss loans. Loans on which all or any portion is deemed uncollectible.

(5) Statistical reporting shall comply with minimum uniformity requirements prescribed by the Farm Credit Administration.

(6) Association internal credit reviews may be used as a part of the bank's review program provided:

(i) Authority and direction is provided in the bank board policy and the program is approved by FCA.

(ii) The bank provides the necessary training, supervision, and testing of the association review process.

(7) Credit procedures will be issued to bank personnel to facilitate the making of credit reviews and the issuance of reports. Where the bank and/or association have adopted special lending programs (i.e., specialized enterprise financing, young farmer programs, etc.), bank procedures will provide that such loans be classified in accordance with standards prescribed in paragraph (a)(4) of this section but that the reports also contain a specific and separate analysis of each special lending program. Such analysis should cover the reasons for the program, the characteristics of borrowers including, the quality of service and control exercised over the loan, relative progress being made by individual borrowers as indicated by information obtained in connection with usual loanmaking and servicing actions, and the success or failure in meeting the objectives of the program.

(b) Each Federal intermediate credit bank policy shall provide for a credit review of other financing institutions borrowing, or discounting, or selling paper. The bank's credit review program shall prescribe a scope of review for such institutions commensurate with (1) the capability and responsibility of the institution, and (2) the ratio of peak debt to capital and collateral pledged. Frequency of review and loan classification and reporting standards will be generally the same as for production credit associations, recognizing that supervisory responsibility is not a factor.

2. Section 614.4070 is revised to read as follows:

§ 614.4070 Loans outside the established territory—Federal land banks, Federal land bank associations, and production credit associations.

(a) A loan to finance eligible borrower operations conducted wholly within the territory of a bank or an association may be made by the bank or association in whose territory the operations are conducted regardless of the residence of the applicant.

(b) A loan to finance eligible borrower operations which are conducted partially within and partially without the territory of an association or bank may be made if concurrence is obtained from all like supervisory banks

responsible for territories in which the operations are conducted.

(c) A loan to finance eligible borrower operations conducted wholly outside the chartered territory of an association or bank may be made, provided such loans are authorized under policies established by the bank board and approved by the Farm Credit Administration. If a loan is made to an eligible borrower whose operation is conducted wholly outside the chartered territory of the lending association or bank, concurrence of like associations and the supervising bank(s) in whose territory(ies) the operation is conducted shall be obtained.

3. Section 614.4180 is amended by revising paragraph (b) to read as follows:

§ 614.4180 Federal land banks.

(b) The outstanding loan balance on any loan shall not at any time during the life of the loan exceed 85 percent (97 percent if guaranteed by a Federal, State, or other governmental agency) of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not however, prohibit advancing taxes, advancing insurance premiums with respect to the real estate, capitalizing past due interest, rescheduling loan payments, or granting partial releases of security interests in the real estate when, (1) if there is adequate collateral to support the total amount of the outstanding debt, such action will increase the ability of the debtor to repay the debt, or (2) if there is not adequate collateral to support the debt, the actions are considered necessary to protect the financial interest of the bank in the collateral.

4. Section 614.4230 is amended by revising paragraphs (a) and (c) to read as follows:

§ 614.4230 Federal land banks.

(a) Primary security for a Federal land bank loan shall consist of a first lien on an interest in real estate comprising agricultural property, an eligible farm-related business, an eligible rural residence, or real estate used as an integral part of an eligible aquatic operation, whichever is most appropriate for the type of loan being made. The real estate interest must be mortgageable under deeds or leases which reasonably may be considered adequate to allow the bank to have the security of a first lien upon such interest. Collateral closely aligned with, an integral part of, and normally sold with real estate may be included in the

appraised value of the primary security upon which a loan is based. Values shall be determined within appraisal standards approved by the bank.

(c) Personal property used in farming or aquatic operations and considered as collateral for short- and intermediate-term credit will normally not be included as additional security. Before taking such personal property as additional security, the Federal land bank and Federal land bank associations shall consider whether all or a portion of the credit needs might be met more satisfactorily by a short- or intermediate-term loan such as may be obtained through a production credit association in accordance with district board policies under § 616.6020 of these regulations.

5. Section 614.4310 is revised to read as follows:

§ 614.4310 Interest rate limitations for Federal intermediate credit banks.

(a) Federal intermediate credit banks may not purchase, discount, or accept as collateral for loans, notes or other obligations on which the original borrower has been charged an interest rate which exceeds by more than 4 percent per annum the lending rate of the Federal intermediate credit bank. Payment of interest on other than a simple interest rate basis (add-on, interest after maturity, etc.) may be accepted provided the effective simple interest rate to the borrowers does not exceed the 4-percent spread limitation.

(b) For fixed rate loans, the FICB interest rate in effect on the date the loan is closed shall be used to determine whether the limitation in paragraph (a) of this section is exceeded.

(c) For loans on which the interest rates vary, the current rate charged the borrower shall not at any time exceed by more than 4 percent per annum the current Federal intermediate credit bank rate.

(d) Interest rates charged borrowers by commercial banks on PCA-commercial bank participation loans shall not exceed by more than 6 percent per annum the lending rate of the Federal intermediate credit bank.

6. Section 614.4340 is revised to read as follows:

§ 614.4340 General.

(a) With approval of the boards of directors of the respective Farm Credit System institutions, Farm Credit banks and associations may enter into agreements to share loan and other losses as provided in paragraph (b) of this section. The loss-sharing

agreements shall cover, but not be limited to, definition of terms, terms and conditions for activation, determination of assessment formulas, limitation on assessments, reimbursements, administration, arbitration, and provisions for amendment and termination. All loss-sharing agreements shall be subject to Farm Credit Administration approval.

(b) Loss-sharing agreements to protect against the impairment of capital stock and participation certificates and for any other purpose may be entered into by:

- (1) The 12 Federal land banks;
- (2) The 12 Federal intermediate credit banks;
- (3) The 12 district banks for cooperatives;
- (4) The 37 Farm Credit banks;
- (5) Federal land bank and district Federal land bank associations;
- (6) District Federal land bank associations with the approval of the supervisory bank;
- (7) Federal intermediate credit bank and district production credit associations; and
- (8) District production credit associations with the approval of the supervisory bank.

7. Section 614.4511 is revised to read as follows:

§ 614.4511 Federal land bank association compensation.

Bank financial policies on Federal land bank association compensation are subject to the approval of the bank board and the Farm Credit Administration. Compensation may be paid to associations in an amount which reflects the value of the services being rendered for the bank and other financial policies and objectives. Compensation plans and changes thereto shall be approved by the bank board.

8. Section 614.4520 is revised to read as follows:

§ 614.4520 General.

(a) To provide the best possible credit service to farmers, ranchers, and producers or harvesters of aquatic products, a district board may adopt policies permitting banks and associations to enter into agreements (subject to approval by the bank) with agents, dealers, cooperatives, other lenders, and individuals to facilitate the making of loans to eligible farmers, ranchers, and producers or harvesters of aquatic products.

(b) Federal land banks. A bank, or an association with bank approval, may enter into an agreement (which will accrue to the benefit of the borrower

and lender) with third parties to perform functions in loanmaking or servicing other than the evaluation and approval of loans. When such an agreement is developed, and the territory covered by the agreement extends outside the territorial limits of the originating association or bank, the written consent of all affected banks or associations is required. Reasonable compensation may be paid for services rendered.

(c) Production credit associations may enter into agreements with private dealers or cooperatives permitting them to take applications for loans from the association to purchase farm or aquatic equipment, supplies, and machinery. Such agreements shall normally be limited to persons or businesses selling to farmers, ranchers, or producers or harvesters of aquatic products and shall contain credit limits consistent with sound credit standards. When the sales territory of a dealer or cooperative extends outside the territory of the originating association or the Farm Credit district, written consent of each bank and association affected shall be obtained before making such loans. Reasonable compensation may be paid or charged to a dealer or cooperative for services rendered in connection with such programs.

(d) Subject to the approval of the respective bank's board of directors, Federal land banks, Federal intermediate credit banks, banks for cooperatives, and production credit associations may enter into memoranda of understanding among themselves or with other lenders for the simultaneous processing and closing of loans to a mutual borrower. The basic policies and principles of each System lender shall apply.

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

1. Section 615.5000 is revised to read as follows:

§ 615.5000 General Responsibilities.

(a) System—Primary responsibility for the procurement of funds rests with the System acting through its finance committees or subcommittees. These finance committees or subcommittees shall determine the amount, maturities, rates of interest, and participation by the banks in each issue of joint, consolidated, or Systemwide obligations.

(b) Farm Credit Administration—The Farm Credit System has significant impact upon the investment community, the general public, and the national

economy in both the volume and the manner by which funds are raised. The Farm Credit Administration holds a significant responsibility to supervise the collateral integrity of the debt obligations issued, to ensure ready accessibility to the money and capital markets, to preserve the stature and respect for the System's securities in the market-place, and to maintain appropriate liaison with the U.S. Treasury Department and the financial community in general. Whenever each bank of the Farm Credit System obtains funds from the sale of obligations, the amount, maturities, rates of interest, and participation of each bank in each issue shall be subject to the approval of and the obligations shall be executed by the Governor of the Farm Credit Administration. In the exercise of responsibility to supervise the funding of the Farm Credit System, the Governor, or a designated representative at the Governor's discretion, shall be present whenever the terms and conditions of publicly issued obligations are determined.

(c) The Treasury Department—The Farm Credit Administration shall keep the U.S. Treasury Department informed of all public financing plans and actions by the institutions under its supervision and shall consult with the Secretary of the Treasury or his representative prior to taking any action relative to the amounts, maturities, rates of interest, and such terms and conditions of a sale of debt obligations.

2. Section 615.5010 is revised to read as follows:

§ 615.5010 Fiscal Agency.

(a) The Fiscal Agency of the Farm Credit banks is authorized to market System obligations and to assist the banks in the handling and investment of bank flows of funds and investment portfolios at the request of the banks, and shall maintain accurate and timely records. The banks shall provide for the sale of obligations through the Fiscal Agency by negotiation, offer, bid, syndicate sale, and for the delivery of such obligations by book entry, wire transfer, or such other means as may be appropriate. The Fiscal Agency shall conduct the funding for the banks at the direction of the appropriate finance committees under broad policy direction of the district boards acting in concert. By resolutions of agreement adopted by the boards of each of the banks, appropriate committees may be established for the instruction and direction of the Fiscal Agency.

(b) The interaction of the Farm Credit System with the financial community

shall be conducted principally through the Fiscal Agency. In order to aid in the process of ensuring continued and independent access to the national and international money and capital markets, to provide for an adequate and reliable supply of credit to meet the objectives of the Act, and to assure cooperation and coordination among the institutions of the System, the Fiscal Agency shall be subject to supervision and examination by the Farm Credit Administration.

§ 615.5020 [Removed]

3. Part 615, Subpart A, is amended by removing § 615.5020.

4. Section 615.5050 is amended by revising paragraphs (a), (b), (d), (e)(3), (e)(4) and by removing paragraph (e)(5).

§ 615.5050 Policy.

(a) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or similar obligations, and at all times thereafter maintain, free from any lien or other pledge, assets consisting of notes and other obligations representing loans made under the authority of the Act, notes of Federal land banks, Federal intermediate credit banks, and banks for cooperatives representing secured interbank or intersystem loans, readily marketable securities approved by the Farm Credit Administration or cash, in an aggregate value equal to the amount of long-term notes, bonds, debentures, or similar obligations outstanding for which the bank is primarily liable.

(b) The collateral value of eligible investments shall be the lower of cost or market value.

(d) When there is loan servicing, such as reamortization, extension, deferment or partial release, the new unpaid balance may be used as the collateral carrying value. In case of Federal land banks the carrying value shall not exceed 85 percent (97 percent if guaranteed by Federal, state or other governmental agencies) of the appraisal value established by the most recent appraisal report of the primary security.

(e) * * *

(3) A certified report by a bank officer at each regular meeting of the board of directors. The report should certify to the eligibility and the adequacy of collateral. Items to be reported will include but not be limited to the total amount of eligible collateral, amount of ineligible loans, amount of deductions, and the amount of excess collateral.

(4) Written procedures and practices to ensure that there will be a high degree

of accuracy in protecting and accounting for the collateral.

6. Section 615.5101 is revised to read as follows:

§ 615.5101 Resolution required.

Each bank's board of directors shall by resolution authorize the issuance of notes, bonds, debentures, and similar obligations in such amounts as may be required to meet the bank's needs. Such resolution shall specify the maximum amount of obligations which shall be outstanding at any one time, and shall authorize the president of the bank, the executive committee or appropriate officers to do all things necessary and proper to issue such obligations. Each such resolution shall cover all authorities to issue or borrow as stated in sections 4.2 and 4.3(b) of the Act and Regulations § 615.5050 (e)(3).

7. Section 615.5102 is revised to read as follows:

§ 615.5102 Finance Committee.

Each finance committee for the banks organized and operating under the respective titles of the Act composed of the president of each such bank or the president's designee may appoint appropriate subcommittees and shall establish its organization, responsibilities, and procedures relating to its operations and those of its subcommittees, subject to the approval of the Governor. The subcommittees or representatives of the finance committees shall establish, subject to the approval of the Governor, their organization, responsibilities, and procedures to cover their operations and those of their subcommittees for the issuance of Systemwide obligations.

8. Section 615.5135 is revised to read as follows:

§ 615.5135 Investment policy.

(a) Banks are authorized to hold investment portfolios for the purposes of maintaining sufficient liquidity, investing short-term surplus funds, and managing short-term debt. The bank are not authorized to maintain investment portfolios primarily as a means of generating additional income.

(b) Each bank's board of directors shall adopt a policy, subject to the approval of the Farm Credit Administration, regarding the management of its investments. Within this policy, the following items shall be addressed:

- (1) The purpose of the bank's investments.
- (2) The portfolio objectives.
- (3) The bank's liquidity needs.
- (4) The portfolio size and quality.
- (5) Maturity guidelines.

(6) Authorization to manage investment activities.

(7) Reporting and monitoring requirements.

Additional areas may be addressed in the policy as deemed appropriate by each bank.

9. Section 615.5140 is revised to read as follows:

§ 615.5140 Eligible investments.

(a) The approved list of eligible investments for the Farm Credit banks shall include the following securities:

- (1) Consolidated and Systemwide obligations of the Farm Credit banks.
- (2) Direct and full faith obligations of the United States Government.
- (3) Fully guaranteed obligations of the United States Government.
- (4) Federal Home Loan Bank bonds and notes.
- (5) Federal Home Loan Mortgage Corporation obligations.
- (6) Federal National Mortgage Association notes, debentures, and participation certificates.
- (7) Tennessee Valley Authority obligations.
- (8) International Bank for Reconstruction and Development obligations denominated in dollars (World Bank).
- (9) Bankers acceptances.
- (10) Negotiable certificates of deposit.
- (11) Prime Commercial Paper (Rates P₁ or A₁ limited to 15 percent of total portfolio).
- (12) Prime Finance Paper (Rates P₁ or A₁ are limited to 15 percent of total portfolio).
- (13) Repurchase agreements of eligible investments.
- (14) Full faith and credit obligations of a State, municipality, political subdivision, or public agency or instrumentality thereof, when approved by the bank on a case-by-case basis provided:
 - (i) The obligations are rated A or better (or the equivalent) by a recognized rating service.
 - (ii) The obligations mature within approximately 10 years.
 - (iii) The obligations are readily marketable.
- (15) Other types of investments authorized by the Farm Credit Administration.

(b) The collateral value of eligible investments supporting System obligations shall be the lower of cost or market value.

10. Section 615.5141 is revised to read as follows:

§ 615.5141 Production credit associations.

Production credit associations shall invest in obligations eligible as investments under § 615.5140, as authorized by the supervising bank.

11. Section 615.5142 is revised to read as follows:

§ 615.5142 Federal land bank associations.

A Federal land bank association shall invest its excess cash in unsecured obligations of its supervising bank or in obligations eligible as investments under § 615.5140 as authorized by the supervising bank.

12. Section 615.5260 is amended by substituting "fair market value" for "book value" in paragraphs (a) and (b) to read as follows:

§ 615.5260 Early retirement of capital stock and allocated equities of banks for cooperatives.

(a) In case of liquidation or dissolution of a present or former borrower, the bank may, but shall not be required to, retire and cancel at the fair market value, not exceeding par, all or part of the capital stock or any allocated equity in the bank owned by or allocated to such borrower. Before any such retirement shall be made, the banks shall have reasonable assurance that the liquidation or dissolution is or soon will be completed and the business of the borrower is not being continued under circumstances in which it would be appropriate and feasible for any successor to acquire and hold the investment interest of the present or former borrowers in the bank. Retirements under this provision shall be authorized in accordance with bank board policy.

(b) Where the debt of a borrower to the bank is in default, the bank may, but shall not be required to, retire and cancel all or part of any stock or allocated equities of the bank on which the bank has a lien as collateral for the debt, at the fair market value thereof, not exceeding par value, in total or partial liquidation of the debt, under any of the following conditions:

* * * * *

13. Section 615.5270 is amended by deleting the word "fair" as a modifier of book value in paragraph (b).

§ 615.5270 Purchase of class B stock of the Federal intermediate credit bank by production credit associations.

* * * * *

(b) When making such allotments, the bank may transfer, retire, or reissue outstanding class B stock among the associations as may be necessary to establish the proportion indicated in the

preceding paragraph. Stock that is retired or transferred for this purpose shall first be the stock purchased by the associations to the extent it is available, unless otherwise approved by the Farm Credit Administration. The bank shall pay the associations for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the book value thereof not to exceed par.

§§ 615.5300 and 615.5310 [Removed].

14. Part 615, Subpart J, is amended by removing §§ 615.5300 and 615.5310.

15. Section 615.5320 is amended by deleting the word "fair" as a modifier of book value in paragraphs (a), (b)(1), (b)(2), and (b)(3).

§ 615.5320 Retirement of Federal intermediate credit bank class B stock participation certificates, and allocated legal reserve.

(a) When there is no stock held by the Governor, the bank may retire class B stock at par, participation certificates at face amount, and allocated legal reserve at book value without preference to all holders thereof and in such manner that the oldest outstanding stock, participation certificates, or allocated legal reserve will be retired first, provided that after such retirements, the net worth structure of the bank meets the minimum requirements approved by the Farm Credit Administration.

(b) * * *

(1) Class B stock, participation certificates, and allocated legal reserve may be retired at book value thereof, not exceeding par or face amount as the case may be, in the event of an equalization of the ownership by production credit associations of capital stock, participation certificates, and allocated legal reserve of the bank, whether in connection with an assessment for capital stock or otherwise, provided that when an association surrenders stock, participation certificates, or allocated legal reserve, it shall first, unless otherwise approved by the Farm Credit Administration, surrender that which was acquired by purchase to the extent available and thereafter, surrender that acquired by patronage distributions from the bank;

(2) When authorized by the bank board, class B stock, participation certificates, and allocated legal reserve may be retired at the book value thereof, not exceeding par value or face amount as the case may be:

* * * * *

(3) The bank board may authorize the retirement of unimpaired participation

certificates at face amount and allocated legal reserve at book value owned by another institution as follows:

* * * * *

16. Part 615, Subpart J, is amended by adding § 615.5325 to read as follows:

§ 615.5325 Contributions of capital.

Subject to the approval of the Farm Credit Administration, Federal land banks may accept contributions of capital and Federal land bank associations may contribute capital to the Federal land bank under circumstances including, but not limited to provisions of district capital preservation, loss-sharing, or recapitalization programs.

17. Section 615.5335 is amended by revising paragraph (a) to read as follows:

§ 615.5335 Federal intermediate credit bank system provision for losses on loans.

(a) Each bank shall evaluate its loans and discounts, accrued interest on loans, and other loan assets at the close of each fiscal year and establish and maintain a provision for losses adequate to reflect the current value of such assets.

18. Section 615.5360 is revised to read as follows:

§ 615.5360 Federal land bank association earnings.

Any Federal land bank association, with approval of its supervising bank, may pay patronage refunds out of the whole or part of net earnings which remain after (a) the restoration of the amount of any impairment of capital stock, and (b) the maintenance of a reserve account as provided in section 1.18(a) of the Act. Patronage refunds shall be paid on the proportionate basis approved by its supervising bank and may be distributed in the form of stock, allocated equities or cash or any combination thereof with the approval of its supervising bank.

19. Section 615.5451 is revised to read as follows:

§ 615.5451 Consolidated systemwide notes.

The 12 Federal land banks, the 12 Federal intermediate credit banks, and the 13 banks for cooperatives issue consolidated systemwide notes only in bearer definitive form in denominations of \$50,000, \$100,000, \$500,000, \$1,000,000, and \$5,000,000.

PART 616—COORDINATION

1. Section 616.8000 is revised to read as follows:

§ 616.6000 Responsibility.

Each district board shall be responsible for assuring that each bank, association, and service organization in its district carries on its functions in the most efficient manner to the end that eligible farmers, ranchers, producers or harvesters of aquatic products, rural residents, farm-related businesses and cooperatives have access to complete, convenient, and high quality credit and financially related services at reasonable cost. The broad lending and service activity authority of the banks and associations under the Act may involve overlapping of services among the units of the System in the absence of appropriate coordination. Thus, the interests of those using the System are best served when the activities are coordinated closely.

2. The title of Subpart B of Part 616 is revised to read as follows:

Subpart B—Credit, Financially Related Services, and Technical Assistance

3. Section 616.6020 is revised to read as follows:

§ 616.6020 Overall policy.

District policies should minimize the possibility of injurious competition among institutions of the System and maximize coordination among them in providing credit services and other financially related services and technical services programs. Such policies shall recognize that the Federal land banks are long-term real estate mortgage lenders, the production credit associations and the Federal intermediate credit banks make short- and intermediate-term loans, and the banks for cooperatives provide a specialized credit service to cooperatives. The absence of coordination among institutions will inevitably work to the detriment of those using the services of other institutions of the System. District policies shall address such subjects as collateral to be taken by each type lender, Federal land bank open-end advance and readvance mortgage plans, limitation on the use of balloon-payment provisions in loans by all banks and associations, simultaneous or joint lending to borrowers, Federal land bank and production credit association lending to small, eligible cooperatives, joint or adjacent housing for associations whenever possible, and shared technical assistance, record information, and counsel on specific loan cases.

4. Section 616.6030 is amended by revising the introductory paragraph to read as follows:

§ 616.6030 Rural home lending

Coordination policies relative to rural home lending shall define the appropriate lending authorities and relationships including the following:

5. Section 616.6050 is revised to read as follows:

§ 616.6050 Loans to cooperatives for the purpose of directly financing the operating needs of their members.

Policies of district boards should be designed to encourage farmers, ranchers, and producers or harvesters of aquatic products to obtain needed financing directly from their appropriate associations. These policies should recognize that the interests of farmers, ranchers and aquatic borrowers may at times best be served by obtaining financing from an eligible cooperative which may in turn borrow from a bank for cooperatives to fund such extensions of credit. District boards shall give due consideration to, among other things, the borrowing cooperative's ability to analyze and supervise credit extension; the credit policy to be established; the preference of the members; the quantity, quality, availability, and convenience of the credit service being offered by the appropriate associations; the need by cooperatives to offer the types of financing services offered by their competitors; and the natural relationships which exist between a cooperative's main functions of marketing, providing supplies or services, and financing services incident to such marketing, supplies or services. District policies should assure that such lending activities do not conflict with the objectives and responsibilities of the Federal land banks and the Federal land bank associations, the Federal intermediate credit banks, and the production credit associations, and that in all cases the best interests of the farmers, ranchers, and producers or harvesters of aquatic products are served.

6. Section 616.6060 is revised to read as follows:

§ 616.6060 Financially related services.

Financially related services offered to borrowers and other persons eligible for the services by one institution in a Farm Credit district shall be made available, to the fullest extent possible, to the borrowers and other persons eligible for the services from the other banks and associations in that district. Duplication of financially related services by Farm Credit System institutions in the same district shall be avoided whenever possible.

PART 617—EXAMINATIONS, AUDITS, AND INVESTIGATIONS

1. The title of Part 617 is revised to read as set forth above.

2. Section 617.7000 is revised to read as follows:

§ 617.7000 Farm credit system institutions.

The Farm Credit Administration is required by section 5.20 of the Act to examine and audit each institution of the System, and each of its agents, at such times as the Governor may determine, but each bank and each production credit association shall be examined and audited not less frequently than once each year. Such examinations and audits shall be under the direction of the Chief Examiner of the Farm Credit Administration. Sections 4.27 and 5.6(a)(5) of the Act specify that the service corporations authorized pursuant to section 4.25 and unincorporated service organizations formed pursuant to agreements authorized by section 5.6(a)(5), respectively, are institutions of the Farm Credit System and subject to supervision and examination by the Farm Credit Administration.

3. Section 617.7020 is revised as set forth below:

§ 617.7020 Other financing institutions.

(a) As a condition precedent to securing discount privileges with a bank of the Farm Credit System, any organization other than State banks, trust companies, and savings associations shall file with such bank its written consent to examination by Farm Credit examiners as may be directed by the Farm Credit Administration. (Section 5.22 of the Act.) Such organizations shall also agree to furnish the bank, the Farm Credit Administration, or any Farm Credit examiner, at any time upon call, full and current information regarding its financial conditions and operations.

(b) State banks, trust companies, and savings associations shall be required in like manner to file a written consent that reports of their examination by constituted state authorities may be furnished by such authorities upon the request of the Farm Credit Administration. (Section 5.22 of the Act.)

4. Section 617.7060 is revised to read as follows:

§ 617.7060 Frequency of examinations and audits.

Farm Credit System institutions and their activities shall be examined and audited in accordance with the

following schedule and at such other times as the Governor may determine.

(a) Each bank and production credit association—once each year.

(b) Each Federal land bank association—once each 18 months.

(c) Each incorporated and unincorporated service organization—once each year.

(d) Each data processing installation—once each year.

(e) All other activities of the banks and associations—as appropriate.

5. Section 617.7080 is revised to read as follows:

§ 617.7080 Reports.

(a) The results of FCA examinations and audits of banks and service organizations shall be reported to the respective boards of directors and such meeting shall include an executive session with the board. Reports of examination and audit of associations by examiners shall be submitted to the supervising bank for transmittal to the respective chairmen of the boards of directors for review and appropriate action at the first scheduled board meeting subsequent to receipt of the report by the institution examined.

(b) Reports of examinations and audits are the property of the Farm Credit Administration and are furnished to the institution examined for its confidential use and may be disclosed only with the consent of the Governor or the Chief Examiner. Consent is given for disclosing reports of regular examinations and audits to the banks and associations involved or interested but such disclosure of reports of special examinations and investigations shall be only by action or consent of the Governor or Chief Examiner in each instance. Information needed for filing claims with surety companies, for establishing lines of credit, and for maintaining relations with other financial institutions may be extracted from such reports without further consent.

(c) Consent is also given for disclosing reports of regular examinations and audits to authorized representatives of the Farm Credit Administration and, when requested for confidential use in official investigations, to agents of the Federal Bureau of Investigation, Department of Justice; the Bureau of the Chief Postal Inspector, United States Postal Service; the Secret Service; the Internal Revenue Service; and the Office of Inspector General, United States Department of Agriculture.

6. Section 617.7090 is revised to read as follows:

§ 617.7090 Liquidation.

In the event of voluntary or involuntary liquidation of a Farm Credit bank, association, or other institution of the Farm Credit System, or any of their agents, and upon completion of such liquidation, the books and records of the institutions shall be forwarded to the appropriate divisional examination office for final examination and audit. If circumstances warrant, such final examination and audit shall be made at the institution's offices.

7. The title of Subpart B of Part 617 is revised to read as follows:

Subpart B—Investigations—Personnel

8. Section 617.7100 is revised to read as follows:

§ 617.7100 Investigation.

(a) The Farm Credit Administration shall make an investigation of any case involving possible violation of Federal criminal statutes by the following persons upon a determination by the Governor or Chief Examiner that an investigation is advisable:

(1) Bank or association personnel.

(2) Directors or borrowers of the System when preliminary information indicates that an applicable statute, such as those described in paragraph (b) of this section, was violated in collusion with bank or association personnel.

(b) Investigations most commonly involve actions prohibited by 18 U.S.C. 371, 18 U.S.C. 657, 18 U.S.C. 1006, and 18 U.S.C. 1014. Section 371 of the United States Criminal Code refers to a conspiracy between two or more persons to defraud an institution of the Farm Credit System. Section 657 of the United States Criminal Code makes it unlawful to embezzle or willfully misapply any funds or other things of value belonging to the institution or entrusted to its care. Section 1006 of the United States Criminal Code makes it unlawful to make any false entry in any book, report, or statement with the intent to defraud or to deceive; to participate or share in or receive directly or indirectly any money, profit, or benefits through any transaction of such institution; or, without being duly authorized, to draw obligations on the institutions with the intent to defraud. Section 1014 of the United States Criminal Code makes it unlawful to knowingly make a false statement or report for the purpose of influencing the action of the association or bank upon any application or related documents.

Other Federal statutes that may be applicable are 18 U.S.C. 212, 213, 215, 216, 493, 658, 1011, 1013, 1907, and 1909.

9. Section 617.7110 is amended by revising the introductory paragraph and paragraphs (a) through (c) to read as follows:

§ 617.7110 Reporting of violations.

Violations or possible violations of Federal criminal statutes involving the banks and associations shall be immediately reported to the president of the bank and the attorney or other person designated by the bank for that purpose. The violation or possible violation shall then be promptly reported to the Farm Credit Administration.

(a) If any bank or association employee or director discovers irregularities in the funds and accounts of a bank or association, or has reasonable grounds for belief that Federal criminal statutes may have been violated, the employee or director shall report the matter to the appropriate officer of the bank and furnish such information as he has obtained or developed.

(b) The bank shall immediately notify the Chief Examiner of the Farm Credit Administration, and make available all information concerning the matter. The Chief Examiner will advise the bank what further steps, if any, should be taken by the representative in the case.

(c) The bank shall bring any irregularity found to exist to the attention of the board of directors of the association concerned and shall keep it informed of all significant developments in order that the board may take such action as may be required to protect the association's interest. The bank shall keep the bank board informed of all irregularities.

* * * * *

10. Section 617.7120 is revised to read as follows:

§ 617.7120 Cases for referral.

It shall be the function of the Chief Examiner of the Farm Credit Administration to refer directly to the local United States Attorney all cases investigated which concern violation of Federal criminal statutes for consideration for criminal prosecution.

11. The title of Subpart C of Part 617 is revised to read as follows:

Subpart C—Investigations—Borrowers and Others

12. Section 617.7160 is revised to read as follows:

§ 617.7160 Cases for referral.

It shall be the function of the general counsel of the Farm Credit district (or a designated bank attorney) to determine if there is substantial evidence that a violation of a Federal criminal statute has occurred, and to refer the matter to the United States Attorney for consideration of prosecution under established procedures. Violations reported to the United States Attorney shall also be reported to the General Counsel of the Farm Credit Administration. At no time shall any director or employee of an association or bank threaten a borrower with criminal prosecution, whether in an effort to collect an indebtedness, recover property, or otherwise.

PART 618—GENERAL PROVISIONS

1. Section 618.8000 is revised to read as follows:

§ 618.8000 Authorization.

Banks and associations may provide technical assistance and may make available to borrowers, members, applicants, and other persons eligible to borrow such financially related services appropriate to their onfarm and aquatic operations as are authorized by the district board.

2. Subparts B through I are redesignated as Subparts C through J respectively. A new Subpart B is added and reserved as follows:

Subpart B—Member Insurance [Reserved]

3. Section 618.8050 is amended by revising paragraphs (a) and (d) to read as follows:

§ 618.8050 Leasing authority.

Farm Credit institutions are authorized to own and lease property as follows:

(a) Federal land banks may own and lease, or lease with option to purchase, to persons eligible to borrow from the bank, facilities needed in the farming or aquatic operations of such persons.

(d) Production credit associations may own and lease, or lease with option to purchase, to persons eligible to borrow from the production credit association, equipment needed in the farming or aquatic operations of such persons.

§ 618.8240 [Removed]

4. Part 618, Subpart F, is amended by removing § 618.8240.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. §§ 2243, 2246 and 2252)

Donald E. Wilkinson,
Governor, Farm Credit Administration.

[FR Doc. 82-7599 Filed 3-19-82; 8:45 am]

BILLING CODE 8705-01-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 81-ASW-61; Amdt. 39-4350]

Airworthiness Directives; Air Tractor Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to Air Tractor Models AT-300, AT-301, AT-302, AT-400 and AT-400A airplanes. The AD establishes a retirement life for the main landing gear struts, requires periodic inspection of both struts for deterioration and cracks, and requires replacement of struts found to be damaged or to have reached or exceeded the retirement life of the part. The AD is needed to correct an unsafe condition resulting from main landing gear strut failures.

EFFECTIVE DATE: March 25, 1982.

Compliance: Required as prescribed in the body of the AD.

ADDRESSES: Snow Engineering Company Service Letter No. 45, dated November 1, 1981, applicable to this AD may be obtained from Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: William A. Simmons, Airframe Branch, Aircraft Certification Division, ASW-120, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; Telephone number (817) 624-4911, extension 516, concerning the technical content of this AD.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPRM) to amend Part 39 of the Federal Aviation Regulations to include this airworthiness directive was published in the Federal Register (46 FR 62467). No comments were received.

There have been several reports of broken main landing gear struts on Air

Tractor model airplanes. In one instance a taxiing airplane experienced failure of both main landing gear struts causing the airplane to drop to its belly and the propeller to impact the ground. The airplane manufacturer has issued its Service Letter No. 45, dated November 1, 1981, which (1) establishes a retirement life for the main landing gear struts, (2) requires periodic inspection of both struts for deterioration and cracks, and (3) requires replacement of struts found to be damaged or to have reached or exceeded the retirement life of the part. The FAA has determined that this is an unsafe condition and is likely to exist or develop on other airplanes with the same landing gear strut type design. Accordingly, this AD is being issued, applicable to Air Tractor Models AT-300, AT-301, AT-302, AT-400 and AT-400A airplanes, which establishes inspection and retirement times consistent with the aforementioned Service Letter. The FAA has determined that the AD is also applicable to the Air Tractor Model AT-400A airplane and the applicability paragraph has been changed to include this model since the proposed AD was published in the Federal Register. In addition, while the substance of the adopted rule is the same as the Notice, clarifying administrative changes also have been made.

Adoption of the Amendment

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

Air Tractor: Applies to Models AT-300 (S/Ns 300-0001 through 300-9999); AT-301 (S/Ns 301-0001 through 301-9999); AT-302 (S/Ns 302-0001 through 302-9999); AT-400 (S/Ns 400-0244 through 400-9999); and AT-400A (S/Ns 400A-0397 through 400A-9999) airplanes certified in any category and equipped with 1-inch-thick (P/N 40007-2 or P/N 40058-1) main landing gear struts.

Compliance: Required as indicated, unless already accomplished. To prevent possible failure of the P/N 40007-2 or P/N 40058-1 main landing gear struts accomplish the following:

(a) Models AT-300 and AT-301 airplanes:

(1) On struts having exceeded, or upon accumulating, 1,000 hours time-in-service or 5,000 landings, whichever occurs first, within 20 hours time-in-service or 100 landings, whichever occurs first, after the effective date of this AD and thereafter at intervals of 100 hours time-in-service or 500 landings, whichever occurs first, inspect and replace as necessary the landing gear struts in accordance with paragraph (c).

(2) On struts having exceeded, or upon accumulating, 2,000 hours time-in-service or 7,500 landings, whichever occurs first, prior to further flight, replace the struts with new struts of the same part number.

(b) Models AT-302, AT-400 and AT-400A airplanes:

(1) On struts having exceeded, or upon accumulating, 600 hours time-in-service or 3,000 landings, whichever occurs first, within 20 hours time-in-service or 100 landings, whichever occurs first, after the effective date of this AD and thereafter at intervals of 100 hours time-in-service or 500 landings, whichever occurs first, inspect the struts and replace as necessary in accordance with paragraph (c).

(2) On struts having exceeded, or upon accumulating, 1,200 hours time-in-service, or 6,000 landings, whichever occurs first, prior to further flight, replace the struts with new struts of the same part number.

(c) Remove the left and right outboard fuselage clamp blocks. Remove all minor corrosion on both main landing gears by sandblasting. Inspect both main landing gears using dye penetrant or magnetic particle inspection procedures with special attention in the areas of strut contact with the clamp blocks. Replace all parts which are damaged, cracked, or have severe corrosion pitting with new parts of the same part number before further flight. All struts returned to service must be painted.

(d) The aircraft hours and landings may be used as the time-in-service or landings on the struts if time-in-service or landings on the struts cannot be established by the airplane maintenance records.

(e) A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the aircraft to a location where this AD can be accomplished.

(f) An equivalent method of compliance with this AD may be used when approved by the Chief, Aircraft Certification Division, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76101.

Snow Engineering Company Service Letter No. 45, dated November 1, 1981, covers the subject matter of this AD.

Compliance with the Service Letter within the last 100 hours time-in-service or 500 landings, whichever comes first, satisfies the initial inspection requirement of paragraphs (a) and (b) of this AD.

This amendment becomes effective on March 25, 1982.

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

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and parts replacement, if

necessary, on only a few aircraft owned by small entities. 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 at the location identified under the caption "ADDRESSES."

Note.—This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Courts of Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on March 10, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-7604 Filed 3-21-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-CE-8-AD; Amdt. No. 39-4349]

Airworthiness Directives; Piper Models PA-28R-200, -201 and -201T, PA-28RT-201 and -201T Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Piper Models PA-28R-200, -201 and -201T, PA-28RT-201 and -201T airplanes, which requires that the nose landing gear be inspected for cracks, rigged and modified in accordance with Piper Service Bulletin No. 724 dated October 20, 1981. The AD is needed to prevent a possible inadvertent gear retraction due to failure of the nose landing gear components which may result in aircraft damage and/or occupant injury during landing or ground operation.

DATES: Effective March 25, 1982.

Comments related to this amendment must be received on or before April 26, 1982. Depending on the comments received, the requirements of this amendment may be modified.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD unless already accomplished.

ADDRESSES: Piper Service Bulletin No. 724, dated October 20, 1981, applicable to this Ad, may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. A copy of the Service Bulletin is also contained in the Rules Docket, Office of the Regional Counsel, FAA,

Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

W. H. Trammell, Systems and Equipment Section, ACE-138, Aircraft Certification Field Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763-7781, concerning the technical content of this AD.

SUPPLEMENTARY INFORMATION: There have been reports of inadvertent retraction of the landing gear on certain Piper Models PA-28R-200, -201 and -201T, PA-28RT-201 and -201T airplanes. These were caused by failures of various components of the nose landing gear retraction/extension system including the down lock, link and brace assemblies, actuator housings and attach brackets. The inadvertent retraction of the nose landing gear during landing and ground operation is considered to be potentially hazardous. To correct conditions contributing to these failures and detect cracked or damaged components, the manufacturer has recommended certain inspections and rigging procedures in its Service Bulletin No. 724, dated October 20, 1981. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires inspection of the nose landing gear for cracks and proper rigging, and modification of the stroke of the nose landing gear actuator on certain Piper Models PA-28R-200, -201 and -201T, PA-28RT-201 and -201T airplanes in accordance with the aforementioned Service Bulletin.

Because of the need for early implementation of the procedures prescribed in this AD in order to reduce the possibility of further aircraft damage or occupant injury, the FAA finds that notice and public procedure hereon are impractical and not in the public interest and good cause exists for making this amendment effective as an immediate adopted rule. Although this action is in the form of a final rule and thus was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with any other available, applicable information, to review the regulation. If this review indicates that changes to the AD are appropriate, the FAA will initiate rulemaking proceedings to amend it. Comments that include facts supporting the views and suggestions expressed will be particularly helpful in evaluating the appropriateness of the rule.

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to the following airplanes certificated in any category.

NOSE LANDING GEAR INSPECTION AND RIGGING

(Part I of Service Bulletin)

Models affected	Serial Nos. affected
PA-28R-201T Turbo Arrow III	28R-7703001 through 28R-7803373.
PA-28RT-201T Turbo Arrow IV	28R-7931001 through 28R-8131183.

NOSE LANDING GEAR INSPECTION AND MODIFICATION

(Part II of Service Bulletin)

Models affected	Serial Nos. affected
PA-28R-2001 Arrow II	28R-7635522 through 28R-7635545.
PA-28R-201 Arrow III	28R-7737001 through 28R-7837317.
PA-28RT-201 Arrow IV	28R-7918001 through 28R-8118082.

Compliance: Required as indicated, unless already accomplished.

To prevent the inadvertent retraction of the nose land gear, accomplish the following:

(A) Within the next 100 hours time-in-service after the effective date of this AD, inspect, rig and modify the nose landing gear in accordance with Piper Service Bulletin No. 724, dated October 20, 1981, Parts I and II as applicable, except dye penetrant must be used for detection of cracks.

(B) Record compliance with this AD by an appropriate entry in the airplane maintenance records. This includes those airplanes where the provisions of this AD have already been accomplished.

(C) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(D) An equivalent method of compliance may be used when approved by the Chief, Aircraft Certification Field Office, FAA, 3400 Norman Berry Drive, East Point, Georgia 30344.

This amendment becomes effective on March 25, 1982.

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

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of

small entities under the criteria of the Regulatory Flexibility Act since it involves inspection and maintenance procedures applicable to only a few aircraft owned by small entities. 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 at the location identified under the caption "ADDRESSES."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only the Courts of Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on March 10, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-7903 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 47**[Docket No. 22772; Amdt. No. 47-22]****Aircraft Registration; Prohibition of the Use of the Letters "I" and "O," and Designation of the Position of Zero in Aircraft Identification Marks**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to prohibit the use of the letters "I" and "O" in aircraft identification marks and to restrict the use of zero to a position always following a number. This change codifies an agency policy which is designed to prevent confusion in aircraft identification. Adding these restrictions will clarify the numbering system and reduce the number of requests for improper numbers.

EFFECTIVE DATE: April 21, 1982.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Flinta, Technical Section, Aircraft Registration Branch (AAC-250), Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, Oklahoma 73125, Telephone: (405) 686-2284.

SUPPLEMENTARY INFORMATION: Section 47.15(b) of the Federal Aviation Regulations states: "A U.S. identification number may not exceed five symbols in addition to the prefix letter 'N.'" These symbols may be all numbers (N10000), one to four numbers and one suffix letter (N1000A), or one to three numbers and two suffix letters (N100AB).

The letters "I" and "O" are not used in aircraft identification numbers because they might be confused with "one" and "zero." If either of these letters were to be used as suffix or prefix letters, several aircraft might appear to have the same number.

Zero is never used as the first symbol in an aircraft identification number because that number might be confused with the same number minus the zero, for example, N0123 and N123. Both of these numbers might be expressed orally as "N-one two three."

Airport traffic control problems could occur if two of these aircraft coincidentally operated out of the same airport. Enforcement problems are also possible. Finally, numbers that confuse the identity of aircraft could result in the misfiling of important aircraft documents.

The FAA's policy of not using these numbers is apparently not well known because the aircraft registry is sometimes asked to assign an identification number containing the letter "I" or "O," or a number using zero as the first symbol.

This amendment will clarify the numbering system and reduce the number of requests for improper numbers. This rule will not require any change in identification numbers since the subject letters have never been assigned nor has zero been used in the manner prohibited by this amendment.

Since this amendment merely states agency practice in administering the aircraft registration system, I find that notice and public procedure are not necessary, and that good cause exists for making it effective in less than 30 days.

Adoption of the Amendment**PART 47—AIRCRAFT REGISTRATION**

Accordingly Part 47 of the Federal Aviation Regulations (14 CFR Part 47) is amended, effective April 21, 1982 by adding the following two sentences to the end of § 47.15(b):

§ 47.15 Identification number.

* * * * *

(b) * * * The letters "I" and "O" may not be used. The first zero in a number must always be preceded by at least one of the numbers 1 through 9.

* * * * *

(Sections 307(c), 313(a), 501, 503, 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1401, 1403, 1502), and Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—Since the agency practice expressed by this amendment does not impose a

burden on any aircraft owner, the FAA has determined that this document involves a regulation which is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these same reasons, I certify that under the criteria of the Regulatory Flexibility Act, this regulation will not have a significant impact on a substantial number of small entities. Its expected impact is so minimal that it does not require an evaluation.

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

J. Lynn Helms,
Administrator.

[FR Doc. 82-7451 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-11]

Alteration of Control Zones: Las Vegas and Tukumcari, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the control zones at Las Vegas, NM, and Tukumcari, NM. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the foregoing airports. The amendment is necessary due to the future possibility of part-timing of the Las Vegas and Tukumcari Flight Service Stations (FSS's). If the facilities are reduced to less than a 24-hour status, there will be no weather reporting or communications to the surface available when the facility is nonoperational. Therefore, the airports will not meet the requirements for a control zone during this period.

DATES: Effective date—May 13, 1982. Comments on the rule must be received before March 30, 1982.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region; Docket No. 82-ASW-11, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in the *Federal Register* on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zones at Las Vegas and Tukumcari, NM, will necessitate an amendment to this subpart.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) amends the descriptions of the Las Vegas and Tukumcari, NM, control zones. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (46 FR 455) is amended, effective 0901 G.M.T., May 13, 1982, by adding the following to each of the foregoing airports:

The control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory. (Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this 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 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, Tex., on March 9, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-7610 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-69]

Designation of Transition Area: Crockett, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Crockett, TX. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to Houston County Airport. This amendment is necessary to protect aircraft executing standard instrument approach procedures (SIAP's) using a proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On January 11, 1982, a notice of proposed rulemaking was published in the *Federal Register* (47 FR 1144) stating that the Federal Aviation Administration proposed to designate the Crockett, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.M.T., May 13, 1982, as follows:

Crockett, TX

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houston County Airport (latitude 31°18'35" N., longitude 95°24'10" W.) and within 3 miles each side of the 196° bearing of the NDB (latitude 31°18'50" N., longitude 95°24'10" W.) extending from the 5-mile radius area to 8.5 miles south of the NDB. (Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this 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 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, Tex., on March 9, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-7598 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ANW-9]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters several airways in the Yakima, WA, area. We have agreed to support an International Civil Aviation Organization (ICAO) mandate to delete alternate airways from the National Airspace System (NAS) and this action supports that mandate.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 8, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter several VOR Federal Airways in the vicinity of Yakima, WA, (47 FR 5726). These changes are in conjunction with our agreement with ICAO to eliminate alternate airways from the NAS. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section

71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the description of six VOR Federal Airways and designates two new VOR Federal Airways located in the Yakima, WA, area. This action supports our agreement to eliminate alternate airways from NAS.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) and amended (45 FR 71774 and 46 FR 57890), is further amended, effective 0901 G.m.t., May 13, 1982, as follows:

1. V-187 [Amended]

By deleting the words "Pasco, WA," and substituting the words "Pasco, WA; INT Pasco 321° and Ellensburg, WA, 107° radials; Ellensburg; INT Ellensburg 274° and McChord, WA, 096° radials; McChord; INT McChord 275° and Olympia, WA, 031° radials; Olympia; to Astoria, OR."

2. V-4 [Amended]

By deleting the words "Seattle; Yakima, WA, including a south alternate from Seattle to Yakima via INT Seattle 163° and McChord, WA, 096° radials and INT McChord 096° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; Pendleton, OR; including a north alternate from Seattle via Ellensburg, WA; INT Ellensburg 107° and Pasco, WA, 321° radials; Pasco, to Pendleton; Baker, OR;" and substituting for them the words "Seattle, WA; Yakima, WA; Pendleton, Or; Baker, OR;"

3. V-204 [Revised]

"V-204 From Hoquiam, WA; Olympia, WA; INT Olympia 114° and Yakima, WA; 271° radials; Yakima; Pasco, WA; INT Pasco 035° and Spokane 221° radials; to Spokane."

4. V-298 [Amended]

By deleting the words "to Yakima, INT Yakima 129° and Pasco, WA, 274° radials; Pasco; including a north alternate from Yakima to Pasco;" and substituting for them the words "to Yakima; Pasco, WA;"

5. V-112 [Amended]

By deleting the words "From Astoria, OR," and substituting for them "From Hoquiam, WA; INT Hoquiam 182° and Astoria, OR, 309° radials; Astoria;" and by deleting the words "Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, WA, including a W alternate from Pendleton via Pasco, WA, 35 miles, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, to Spokane, and an east alternate from Pendleton via INT Pendleton 090° and Walla Walla, WA, 215° radials, Walla Walla, 22 miles, 48 miles, 45 MSL, to Spokane;" and substituting for them the words "Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, WA;"

6. V-27 [Amended]

By deleting the words "Astoria, OR; Hoquiam, WA, including a west alternate via INT Astoria 309° and Hoquiam 182° radials; Seattle, WA, including an east alternate from Astoria to Seattle via Olympia, WA, and INT Olympia 010° and Seattle 249° radials," and substituting for them the words "Astoria, OR; Hoquiam, WA; Seattle, WA."

7. V-448 [Amended]

By deleting the words "including a S alternate via INT Portland 075° and Yakima 227° radials;"

8. V-25 [Amended]

By deleting the words "including a west alternate via INT Yakima 305° and Ellensburg 191° radials;"

9. V-444 [New]

"V-444 From Walla Walla, WA; 22 miles, 48 miles, 45 MSL, to Spokane, WA."

10. V-468 [New]

"V-468 From Portland, OR, INT Portland 075° and Yakima, WA, 227° radials, Yakima; INT Yakima 305° and Ellensburg, WA, 191° radials; Ellensburg."

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

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

Issued in Washington, D.C., on March 15, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7600 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ANE-13]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of VOR Federal Airway V-99 published in the Federal Register on

March 1, 1982 (47 FR 8562). The "true degree" radial describing the new airway alignment is 228° T (243° M) radial in lieu of 229° radial that was published. This action corrects that error.

EFFECTIVE DATE: March 22, 1982.

FOR FURTHER INFORMATION CONTACT:

Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 82-5288 was published on March 1, 1982, which amended the description of VOR Federal Airway V-99 in order to provide a bypass route to circumnavigate the Fort Devens, MA, Restricted Area R-4102. An error was made in the "true degree" radial from Lawrence, MA, that would provide adequate distance from R-4102. This action corrects that error.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, March 22, 1982 as follows:

V-99 [Amended]

In the fifth line, by deleting the words "Lawrence, MA, 229° radials;" and substituting for them the words "Lawrence, MA, 228° radials;"

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

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

Issued in Washington, D.C., on March 15, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7601 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71, 73 and 75

[Airspace Docket No. 81-AWA-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Special Use Airspace; Establishment of Jet Routes and Area High Routes; Compilation of Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of Advisory Circular.

SUMMARY: This document announces the availability of Advisory Circular AC 70-3 which contains a compilation of current airspace designations. In the past, this compilation was published annually in the Federal Register for the benefit of the public, since airspace designations are not carried in the Code of Federal Regulations or the Federal Aviation Regulations. This year we did not publish the annual compilation in the Federal Register. We issued an Advisory Circular AC 70-3.

FOR FURTHER INFORMATION CONTACT:

Mary Ann Webb, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626

Availability of Advisory Circular

AC 70-3, limited in quantity, is expected to be available, free of charge, to interested parties on or about April 1, 1982. Anyone interested in obtaining a copy should contact Mary Ann Webb; telephone number and address listed above.

Issued in Washington, D.C., on March 12, 1982.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7639 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-AWP-29]

Alteration of Restricted Areas R-2531A and R-2531B, Tracy, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the times of designation of Restricted Areas R-2531A and R-2531B, Tracy, CA, from 1000 to 1800 local time, Monday through Friday, to 1000 to 2050 local time, Monday through Friday, and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance. This change is necessary to provide increased flexibility in program scheduling to reduce test delays and assure more economic and efficient use of the airspace.

EFFECTIVE DATE: May 13, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 1, 1982, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter the times of use for Restricted Areas R-2531A and R-2531B from 1000 to 1800 local time, Monday through Friday, to 1000 to 2050 local time, Monday through Friday, and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance (47 FR 4529). Present use restrictions create an undue economic burden when program requirements of the Department of Energy are delayed due to technical problems or unfavorable atmospheric conditions. This action provides increased flexibility to reschedule around unfavorable conditions, reduces program delays and assures more economic and efficient use of the airspace. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section

73.25 was republished on January 2, 1981 (46 FR 787).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations extends the times of use of Restricted Areas R-2531A and R-2531B, Tracy, CA, from 1000 to 1800 local time, Monday through Friday, to 1000 to 2050 local time, Monday through Friday, and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance. This action is necessary to reduce program delays and provide more economic and efficient use of the airspace.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.25 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 787), is amended, effective 0901 G.m.t., May 13, 1982, as follows:

R-2531A Tracy, CA [Amended]

Under time of designation by deleting the words "1000 to 1800 local time, Monday through Friday," and substituting for them the words "1000 to 2050 local time, Monday through Friday and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance."

R-2531B Tracy, CA [Amended]

Under time of designation by deleting the words "1000 to 1800 local time, Monday through Friday," and substituting for them the words "1000 to 2050 local time, Monday through Friday and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance."

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

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

Issued in Washington, D.C., on March 12, 1982.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7440 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 22764; Amdt. No. 1212]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

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

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

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach

Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

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

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

*** Effective May 13, 1982:

Stow, MA—Minute Man Airfield, VOR/DME Rwy 21, Amdt. 2
West Milford, NJ—Greenwood Lake, VOR-A, Amdt. 1
Buffalo, NY—Greater Buffalo Intl, VOR-A, Amdt. 16
Watertown, NY—Watertown New York Intl, VOR Rwy 7, Amdt. 11
Huntington, UT—Huntington Muni, VOR/DME-A, Original
New Holstein, WI—New Holstein Muni, VOR/DME-A, Original

*** Effective April 29, 1982:

Bessemer, AL—Bessemer, VOR Rwy 5, Amdt. 1
Fairhope, AL—Fairhope Muni, VOR/DME-A, Amdt. 3
Warren, AR—Warren Municipal, VOR/DME-A, Amdt. 3
Bunnell, FL—Flagler County, VOR/DME Rwy 33, Amdt. 1, cancelled
Bunnell, FL—Flagler County, VOR/DME-A, Original
Brunswick, GA—Malcolm McKinnon, VOR Rwy 4, Amdt. 11
Crystal Lake, IL—Crystal Lake, VOR Rwy 26, Amdt. 6
Elkhart, IN—Elkhart Muni, VOR Rwy 9, Amdt. 2
Elkhart, IN—Elkhart Muni, VOR Rwy 27, Amdt. 9
Elkhart, IN—Elkhart Muni, VOR/DME Rwy 35, Amdt. 2
Shelby, NC—Shelby Muni, VOR/DME Rwy 4, Amdt. 5
Oklahoma City, OK—Clarence E. Page Muni, VOR-B, Amdt. 4
Port Lavaca, TX—Calhoun County, VOR/DME-A, Amdt. 1

*** Effective April 15, 1982:

Fort Dodge, IA—Fort Dodge Muni, VOR Rwy 12, Amdt. 12
Fort Dodge, IA—Fort Dodge Muni, VOR/DME Rwy 30, Amdt. 8
Logan, UT—Logan-Cache, VOR/DMERwy 17 Original

*** Effective March 9, 1982:

Bentonville, AR—Bentonville Muni, VOR-A, Amdt. 3
Camden, AR—Harrell Field, VOR/DME Rwy 18, Amdt. 2
Camden, AR—Harrell Field, VOR/DME Rwy 36, Amdt. 3
Decatur, AR—Crystal Lake, VOR/DME Rwy 13, Amdt. 6
Siloam Springs, AR—Smith Field, VOR/DME-A, Amdt. 5
Springdale, AR—Springfield Muni, VOR Rwy 18, Amdt. 8
Springdale, AR—Springfield Muni, VOR/DME Rwy 36, Amdt. 2

*** Effective March 8, 1982:

Fayetteville, AR—Drake Field, VOR-A, Amdt. 19
Fayetteville, AR—Drake Field, VOR/DME-B, Amdt. 4

*** Effective March 5, 1982:

Houston, TX—Lakeside, VOR-A, Amdt. 4
Houston, TX—Lakeside, VOR-B, Amdt. 1
La Porte, TX—La Porte Muni, VOR-A, Amdt. 9

*** Effective March 4, 1982:

Houston, TX—Clover Field, VOR/DME-A, Amdt. 1
Houston, TX—Houston Gulf, VOR Rwy 13, Amdt. 1
Houston, TX—Houston Intercontinental, VOR/DME Rwy 14L, Amdt. 11
Houston, TX—Houston Intercontinental, VOR/DME Rwy 32R, Amdt. 10
Houston, TX—William P. Hobby, VOR Rwy 13R, Amdt. 14
Houston, TX—William P. Hobby, VOR/DME Rwy 4, Amdt. 15
Houston, TX—William P. Hobby, VOR/DME Rwy 22, Amdt. 20
Houston, TX—William P. Hobby, VOR/DME 1 Rwy 31L, Amdt. 11

*** Effective February 26, 1982:

Pottstown, PA—Pottstown Limerick, VOR/DME-A, Amdt. 1
Pottstown, PA—Pottstown Muni, VOR-B, Amdt. 3

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

*** Effective May 13, 1982:

Butte, MT—Bert Mooney, LOC Rwy 15, Amdt. 2

*** Effective April 29, 1982:

Elkhart, IN—Elkhart Muni, SDF (BC) Rwy 9, Amdt. 3
Elkhart, IN—Elkhart Muni, SDF Rwy 27, Amdt. 3
Spartanburg, SC—Spartanburg-Downtown Memorial, LOC Rwy 4, Amdt. 1

*** Effective April 15, 1982:

Eagle, CO—Eagle County, LDA-A, Amdt. 3
Toms River, NJ—Robert J. Miller, LOC Rwy 6, Original

*** Effective March 8, 1982:

Fayetteville, AR—Drake Field, LOC Rwy 18, Amdt. 9

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

*** Effective May 13, 1982:

Bedford, MA—Laurence G. Hanscom Fld, NDB Rwy 11, Amdt. 16
Fitchburg, MA—Fitchburg Muni, NDB Rwy 20, Original
Blue Earth, MN—Blue Earth Muni, NDB Rwy 34, Original
Buffalo, NY—Greater Buffalo Intl, NDB Rwy 5, Amdt. 9
Buffalo, NY—Greater Buffalo Intl, NDB Rwy 23, Amdt. 13
Chase City, VA—Chase City Muni, NDB Rwy 36, Amdt. 1
Emporia, VA—Emporia Muni, NDB Rwy 33, Amdt. 4

*** Effective April 29, 1982:

New Iberia, LA—Acadiana Regional, NDB Rwy 16, Original
Kosciusko, MS—Kosciusko-Attala County, NDB Rwy 14, Amdt. 5
Kosciusko, MS—Kosciusko-Attala County, NDB Rwy 32, Amdt. 4
Aiken, SC—Aiken Muni, NDB Rwy 24, Amdt. 3
Shelby, NC—Shelby Muni, NDB Rwy 4, Amdt. 1
Spartanburg, SC—Spartanburg-Downtown Memorial, NDB-A, Amdt. 7
Longview, TX—Gregg County, NDB Rwy 13, Amdt. 10
Lubbock, TX—Lubbock Intl, NDB Rwy 8, Original
Port Lavaca, TX—Calhoun County, NDB Rwy 14, Amdt. 1

*** Effective April 15, 1982:

Fort Dodge, IA—Fort Dodge Muni, NDB Rwy 6, Amdt. 5

*** Effective March 18, 1982:

Gambell, AK—Gambell, NDB-A, Original
Gambell, AK—Gambell, NDB-B, Original

*** Effective March 9, 1982:

Camden, AR—Harrell Field, NDB Rwy 18, Amdt. 6

*** Effective March 5, 1982:

Houston, TX—Lakeside, NDB Rwy 15, Amdt. 2
La Porte, TX—La Porte Muni, NDB Rwy 30, Amdt. 1

*** Effective March 4, 1982:

Houston, TX—Andrau Airpark, NDB Rwy 16, Amdt. 14
Houston, TX—Arcola-Houston, NDB Rwy 10, Amdt. 1
Houston, TX—Houston Intercontinental, NDB Rwy 8, Amdt. 8
Houston, TX—William P. Hobby, NDB Rwy 4, Amdt. 30

*** Effective February 22, 1982:

Pella, IA—Pella Muni, NDB Rwy 34, Amdt. 4

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

*** Effective May 13, 1982:

Bedford, MA—Laurence G. Hanscom Fld, ILS Rwy 11, Amdt. 19

Buffalo NY—Greater Buffalo Intl, ILS Rwy 5, Amdt. 12
Buffalo NY—Greater Buffalo Intl, ILS Rwy 23, Amdt. 25

* * * Effective April 29, 1982:

Carlsbad, CA—Palomar, ILS Rwy 24, Amdt. 4
Denver, CO—Jeffco, ILS Rwy 29R, Amdt. 8
Greenwood, MS—Greenwood-LeFlore, ILS Rwy 18, Original
Longview, TX—Gregg County, ILS Rwy 13, Amdt. 6

* * * Effective April 15, 1982:

Fort Dodge, IA—Fort Dodge Muni, ILS Rwy 6, Amdt. 4

* * * Effective March 4, 1982:

Houston, TX—Houston Intercontinental, ILS Rwy 8, Amdt. 12
Houston, TX—Houston Intercontinental, ILS Rwy 26, Amdt. 7
Houston, TX—Houston Intercontinental, ILS Rwy 32R, Amdt. 5
Houston, TX—William P. Hobby, ILS Rwy 4, Amdt. 31
Houston, TX—William P. Hobby, ILS Rwy 13R, Amdt. 6

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

* * * Effective May 13, 1982:

Galena, AK—Galena, RADAR-1, Amdt. 6
Buffalo, NY—Great Buffalo Intl, RADAR-1, Amdt. 11

* * * Effective April 29, 1982:

Bunnell, FL—Flagler County, RADAR-1, Amdt. 1

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

* * * Effective May 13, 1982:

Buffalo, NY—Greater Buffalo Intl, RNAV Rwy 32, Amdt. 4
State College, PA—University Park, RNAV Rwy 6, Amdt. 4

* * * Effective April 29, 1982:

Denver, CO—Jeffco, RNAV Rwy 29R, Amdt. 7
Elkhart, IN—Elkhart Muni, RNAV Rwy 17, Amdt. 2
Greenwood, MS—Greenwood-LeFlore, RNAV Rwy 18, Amdt. 3
Albuquerque, NM—Alameda, RNAV Rwy 17, Original, cancelled
Oklahoma City, OK—Clarence E. Page Muni, RNAV Rwy 17L, Amdt. 1
Oklahoma City, OK—Clarence E. Page Muni, RNAV Rwy 35R, Amdt. 1
Spartanburg, SC—Spartanburg-Downtown Memorial, RNAV Rwy 4, Amdt. 5

* * * Effective April 15, 1982:

Fort Dodge, IA—Fort Dodge Muni, RNAV Rwy 6, Amdt. 4
Fort Dodge, IA—Fort Dodge Muni, RNAV Rwy 24, Amdt. 4

[Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.49(b)(3)].

Note: The FAA has determined that this regulation only involves an established body of technical regulations for which frequent

and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note: The incorporation by reference in the preceding document was approved by the Director of the Office of the Federal Register on December 31, 1981.

Issued in Washington, D.C., on March 12, 1982.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 82-7439 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 82-49]

Customs Regulations Amendments Relating to Articles Exported for Repairs for Alterations, and Theatrical Effects, Motion-Picture Films, Commercial Travelers' Samples, and Tools of Trade

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by giving district directors of Customs the discretion to determine on a case-by-case basis, whether to supervise the exportation of articles of domestic or foreign origin exported for repairs or alterations, and theatrical effects, motion-picture films, commercial travelers' samples, and tools of trade, occupation, or employment, taken abroad and subsequently returned to the United States without entry and the payment of duty. The requirement for a transportation and exportation entry where articles are exported from a port of entry other than the port of examination also is being eliminated.

Customs has determined that it is not necessary to supervise the exportation of each shipment or to require that the articles be forwarded to the port of exportation under a transportation and exportation entry.

EFFECTIVE DATE: April 21, 1982.

FOR FURTHER INFORMATION CONTACT: Operational aspects: Victor G. Weeren, Cargo Processing Division (202-566-5354), Legal aspects—Arthur L. Isaacs,

Classification and Value Division (202-566-5727), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Under item 806.20, Tariff Schedules of the United States ("TSUS") (19 U.S.C. 1202), articles of domestic or foreign origin may be exported to a foreign country for repairs or alterations (to be advanced in value or improved in condition by any process of manufacture or other means) and duty will be assessed only on the value of the repairs or alterations to the articles upon their return to the United States. Section 10.8(a), Customs Regulations (19 CFR 10.8(a)), provides that before articles are to be exported for repairs or alterations under item 806.20, TSUS, a Certificate of Registration (Customs Form 4455) shall be filed by the owner or exporter with the district director of Customs at a time prior to the departure of the exporting conveyance which will permit an examination of the articles by Customs. Except for articles exported by mail, the articles registered on Customs Form 4455, shall be exported under Customs supervision. Further, when articles other than those exported by mail or parcel post are examined and registered at one port and exported for repairs or alterations through another port, § 10.8(d), Customs Regulations (19 CFR 10.8(d)), provides that these articles shall be transported in bond on a transportation and exportation entry to the port of exportation.

Discussion of Changes

In order to take advantage of the benefits of item 806.20, TSUS, and have the articles entered free of duty, the articles must have been exported. Prior to exportation, the articles must be examined by Customs. Likewise, articles exported for repairs or alterations, must be delivered to Customs for entry after exportation for repairs or alterations. In view of this procedure, mandatory supervision of the exportation of articles under § 10.8(a) and mandatory transportation and exportation in bond to the port of export under § 10.8(d) are unnecessary.

Under item 810.20, TSUS, professional books, implements, instruments, and tools of trade, occupation, or employment, which have been taken abroad by or for the account of any person arriving in the United States from a foreign country may be entered free of duty. There is no specific provision for theatrical effects, motion-picture films, or commercial travelers'

samples imported in accordance with section 10.68, but these articles also have been entered free of duty under item 810.20, TSUS.

The analogy used in § 10.8(a) regarding the need for mandatory supervision of the exportation also applies to § 10.68.

To give district directors discretion to determine, on a case-by-case basis, whether supervision on exportation is necessary where articles are subject to the requirement in § 10.8(a), the word "shall" is being changed to "may." Section 10.8(d) also is being revised by eliminating the requirement for a transportation and exportation entry where articles are exported from a port other than the port of examination. Further, where each document on its face does not reflect that these articles were exported under Customs supervision, the district director may require proof of exportation.

The same revision is being made to § 10.68(a), Customs Regulations (19 CFR 10.68(a)), which relates to the exportation of theatrical effects, motion-picture films, commercial travelers' samples, and tools of trade, occupation, or employment, taken abroad and subsequently returned to the United States without entry and payment of duty.

The benefits to be gained by these amendments would be immediate. Customs personnel and financial resources could be better utilized by eliminating these unnecessary mandatory requirements. The exporter would benefit by not being required in every case to transport the merchandise from the port of examination to the port of exportation in bond on a transportation and exportation entry, thereby reducing paperwork and expenses.

These amendments also reflect minor editorial changes which have been made to clarify and simplify the language of the regulations.

Inapplicability of Public Notice Requirements

Because these are technical amendments which relieve a burden on the importing community, and they are not of particular interest to the general public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act

does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

These amendments do not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291.

Accordingly, a regulatory impact analysis is not required

Drafting Information

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

Amendments to the Regulations

Part 10, Customs Regulations (19 CFR Part 10), is amended in the following manner:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Paragraphs (a) and (d) of § 10.8, are revised to read as follows:

§ 10.8 Articles exported for repairs or alterations.

(a) Before exporting articles which are subject on return to the United States to duty on the value of the repairs or alterations performed abroad, as provided for in item 806.20, Tariff Schedules of the United States, a Certificate of Registration (top portion of Customs Form 4455) shall be filed (in an original only) by the owner or exporter with the district director before the departure of the exporting conveyance. This procedure will permit the district director to examine the articles before they are exported. The applicant shall be notified by the district director of the place to which he shall deliver the articles for examination. All expense in connection with the delivery of the articles, cording, sealing, marking, and transfer to the exporting conveyance, shall be paid by the exporter. Except for those articles exported by mail which can be identified by manufacturer's mark or number, the district director may require the articles to be exported under Customs supervision. If supervision is required, a photograph of the article or some other means of identification, shall be furnished to the Customs officer.

(d) When articles other than those exported by mail or parcel post are examined and registered at one port and exported for repair or alterations

through another port, the district director may require proof of exportation in those cases where the Customs Form 4455 does not reflect that the subject articles were exported under Customs supervision.

Paragraph (a) of § 10.68 is revised to read as follows:

§ 10.68 Procedure.

(a) Theatrical scenery, properties, and effects, motion-picture films (including motion-picture films taken aboard a vessel for exhibition only during an outward voyage and returned for the same purpose during an inward voyage on the same or another vessel), commercial travelers' samples, and professional books, implements, instruments, and tools of trade, occupation, or employment (see § 148.53 of this chapter), of domestic or foreign origin, taken abroad may be returned without entry and without payment of duty if an exportation voucher from a carnet, when applicable, or an application on Customs Form 4455 was filed, and the merchandise was identified as set forth in § 10.8, before exportation of the articles. When articles other than those exported by mail or parcel post are examined and registered at one port and exported through another port, the district director may require proof of exportation in those cases where the carnet or Customs Form 4455 does not reflect that these articles were exported under Customs supervision. In the case of commercial travelers' samples taken abroad for temporary use, except where exportation involves certification of a carnet, district directors may waive examination of the samples at the time of exportation. When motion-picture films are to be taken aboard a vessel for exhibition only during an outward voyage and are to be returned for the same purpose during an inward voyage on the same or another vessel, district directors may waive examination and supervision at the time of exportation. When theatrical scenery, properties, and effects are taken aboard in sealed carload lots by rail for temporary use, the cars must be sealed by U.S. Customs officers for entry at any Canadian or Mexican port where U.S. Customs officers are stationed. Application and examination before the time of exportation is waived if a Customs Form 4455 is filed with the U.S. Customs officer in the appropriate Canadian or Mexican port, and that officer examines the articles before they are released

from foreign customs custody by the foreign customs officer.

* * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14 (5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Headnote 11, Tariff Schedules of the United States), 1202, 1624))

William T. Archey,

Deputy Commissioner of Customs.

Approved: March 2, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-7657 Filed 3-19-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Benefits for Remarried Widowers and Surviving Divorced Husbands

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These final regulations provide widower's benefits to a widower who remarried before age 60 if the marriage terminated before the time of application, and to surviving divorced husbands. They reflect court decisions which prevent implementation of two gender-based distinctions in the Social Security Act. The court decisions are discussed in the Supplementary Information section of this preamble.

EFFECTIVE DATE: These regulations are effective on March 22, 1982.

FOR FURTHER INFORMATION CONTACT: Lawrence V. Dudar, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6629.

SUPPLEMENTARY INFORMATION:

In order to obtain the public's views and comments before proceeding with these amendments, we published a Notice of Proposed Rulemaking in the *Federal Register* on July 21, 1981 (46 FR 37521). The public was invited to submit data, views, or arguments pertaining to the proposed amendment within a period of 60 days from the date of publication of the notice. We have carefully considered all the comments we received during the comment period. We have answered the issues raised in these comments later in the preamble.

Background

On September 10, 1980, the District Court for the Southern District of Texas held in *Mertz v. Harris*, a class action,

that section 202(f)(1) of the Social Security Act unconstitutionally denies widower's benefits solely on the basis of gender to widowers who remarried before age 60. The Act, section 202(f)(1), provides that a man who remarried before age 60 may not qualify for widower's benefits. Section 202(e)(1) of the Act does not so restrict women but requires only that they not be married at the time they apply for widow's benefits.

On July 17, 1980, the U.S. District Court for the District of Oregon held in *Ambrose v. Califano*, a class action, that section 202(f)(1) of the Social Security Act unconstitutionally denies widower's benefits to surviving divorced husbands solely on the basis of gender. Section 202(e) of the Act provides widow's benefits for a surviving divorced wife of an individual who died fully insured; section 202(f) does not provide a comparable widower's benefit for a surviving divorced husband.

The Solicitor General determined that the constitutional issues raised by the *Mertz* and *Ambrose* decisions are substantially the same as issues previously decided by the Supreme Court involving other gender-based provisions. He, therefore, declined to appeal these cases to the Supreme Court and declined to defend further 3 other district court cases raising the same issues as the *Ambrose* case. Subsequently, the Attorney General, as the law requires him to do, advised the Congress of the decision not to appeal or further defend these cases. Since the decisions are final and there will be no further judicial proceedings on the specific issues raised in the cases, they are being implemented on a nationwide basis and are reflected in these final regulations.

New Regulations

These regulations concern the following new benefits:

(a) Widower's benefits for a remarried widower who is not married at the time he applies for benefits, if he otherwise meets the conditions for entitlement to widower's benefits.

(b) Widower's benefits for a surviving divorced husband, if he otherwise meets the conditions for entitlement to widower's benefits.

Effective Date

The court order in *Mertz* directed us to stop denying widower's benefits to the plaintiff and the class he represents solely because they remarried after the insured individual died. The class certified by the court consists of persons who were not married at the time they applied for widower's benefits, who

were denied by us solely because they had remarried after the death of the wife on whose earnings record they claimed benefits, and who received notices of the denial mailed to them on or after April 30, 1978. These persons who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of their previously denied application for widower's benefits. Other persons claiming widower's benefits who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of a current application.

The court order in *Ambrose* directed us to stop denying widower's benefits to the plaintiff and the class he represents solely because they are surviving divorced husbands rather than surviving divorced wives. The class certified by the court consists of persons who applied for widower's benefits, who were denied by us solely because they were surviving divorced husbands, and who received notices of the denial on or after November 24, 1978. These persons who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of their previously denied applications. Other persons claiming widower's benefits as surviving divorced husbands will be awarded benefits based on the effective date of a current application, assuming all other conditions of entitlement are met.

Authority for This Regulation

When the Supreme Court declares a provision of the Social Security Act unconstitutional and requires the payment of benefits not expressly provided by Congress, we comply and issue regulations that apply to all claimants qualifying for benefits under the same circumstances as those covered by the Supreme Court's decision. We do, as we are legally obliged to do, what the Court requires, leaving to the judgment of the Congress any extension of the Supreme Court's decision to comparable circumstances.

However, when the Supreme Court decides an issue that relates to other claimants with almost identical interests, and the Government (the Executive Branch and the Congress) declines to appeal later lower court decisions that apply the Supreme Court decision to the latter claimants because the Supreme Court decision is considered to be binding, we believe the agency concerned has no practical alternative but to adopt a regulation giving the mandate in those decisions nationwide effect.

These regulations involve one of those rare situations where we will pay benefits without express statutory authority on the basis of one or more district court decisions.

Public Comments

We published a Notice of Proposed Rulemaking in the *Federal Register* on July 21, 1981 (46 FR 37521). We asked for public comments within a period of 60 days. The comment period closed on September 21, 1981.

Some of the comments received were not germane to these particular regulations and are not addressed in the preamble. Other comments are condensed, summarized or paraphrased. However, we have responded to each of the issues raised in the comments that are germane to these regulations.

Comment: Equal Treatment of Men and Women.

One of the commenters indicated that men and women should be treated the same with respect to Social Security benefits and was supportive of the regulation.

Comment: Paying Only Certain Surviving Divorced Spouses.

One commenter indicated that benefits should be paid to a surviving divorced spouse only if the survivor lived with the deceased during those years that Social Security credits were earned.

Response: The law does not limit the payment of a surviving divorced spouse's benefit to only those survivors who lived with the deceased worker during those years that Social Security contributions were being withheld from the worker's earnings. It requires only that a divorced spouse must have been married to the worker for at least ten years in order to receive benefits based on his or her earnings. We have no authority to add payment requirements.

Comment: Government Pension Offset.

One commenter objected to the removal of the gender based distinctions between widows and widowers and surviving divorced wives and husbands unless the law is amended to remove the Government Pension Offset applicable to widows.

Response: The Government Pension Offset provision applies to men as well as to women. In fact, whenever a man becomes entitled to benefits because of the changes brought about by the *Mertz* and *Ambrose* decisions and receives a government pension for services not covered under Social Security, his benefit will be subject to offset to the very same extent as that of a similarly situated woman.

Regulatory Procedures

Executive Order 12291: These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act. We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because these regulations affect only individuals.

Paperwork Reduction Act: These regulations impose no reporting or recordkeeping requirements requiring OMB clearance.

Accordingly, these regulations are adopted as set forth below.

(Secs. 202, 216, and 1102 of the Social Security Act, as amended; 49 Stat. 623, as amended, 64 Stat. 510 as amended, 49 Stat. 647, as amended; 42 U.S.C. 402, 416, and 1302) (Catalog of Federal Domestic Assistance Programs Nos. 13.802 Social Security—Disability; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors; Insurance)

Dated: December 29, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: March 5, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

Part 404 of Chapter II of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.335 is amended by revising paragraph (e) to read as follows:

§ 404.335 Who is entitled to widow's or widower's benefits.

* * * * *

(e) You are unmarried unless you remarried after you became 60 years old.

2. Section 404.336 is amended by revising the section heading and the material preceding paragraph (a) and revising paragraphs (a), (b), and (c)(1) to read as follows:

§ 404.336 Who is entitled to widow's or widower's benefits as a surviving divorced spouse.

You may be entitled to widow's or widower's benefits as the surviving divorced wife or the surviving divorced husband of a person who was fully insured when he or she died. You are entitled to these benefits if—

(a) You are the insured's surviving divorced wife or surviving divorced husband and—

* * * * *

(b) You apply, except that you need not apply again if—

(1) You are entitled to wife's or husband's benefits for the month before the month in which the insured dies and you are 65 years old or you are not entitled to old-age or disability benefits; or

(2) You are entitled to mother's or father's benefits for the month before the month in which you become 65 years old;

(c) * * *

(1) The disability started not later than 7 years after the insured died or 7 years after you were last entitled to mother's or father's benefits or to widow's or widower's benefits based upon a disability, whichever occurred last; and

* * * * *

3. The captioned heading above § 404.1577 is revised and § 404.1577 is amended by revising the section heading and the first sentence to read as follows:

Widows, Widowers, and Surviving Divorced Spouses

§ 404.1577 Disability defined for widows, widowers, and surviving divorced spouses.

To be entitled to a widow's or widower's benefit as a disabled widow, widower or surviving divorced spouse, the law provides that you must have a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.* * *

4. Section 404.1578 is amended by revising the section heading and paragraph (a) to read as follows:

§ 404.1578 How we determine disability for widows, widowers, and surviving divorced spouses.

(a) We will find that you are disabled and pay you widow's or widower's benefits as a widow, widower, or surviving divorced spouse if—

* * * * *

5. Section 404.1579 is amended by revising paragraph (a) to read as follows:

§ 404.1579 Why and when we will find that your disability ended.

(a) *If you are not disabled.* If you are entitled to widow's or widower's benefits as a disabled widow, widower, or surviving divorced spouse, we will

find that your disability ended in the earlier of—

[FR Doc. 82-7650 Filed 3-19-82; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8-R; Amdt. No. 11]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Technical Amendment

AGENCY: Office of the Secretary of Defense.

ACTION: Technical Change to Regulation and Statement of Policy—Abortions.

SUMMARY: This technical change adds a statement to the Regulation that CHAMPUS coverage for abortion services is dependent on legislation, such as the annual appropriation acts of the Department of Defense and the Department of Health and Human Services. This action is necessary because the Regulation currently contains details of the abortion benefit, which has resulted in a requirement to amend the Regulation every time changes result in the abortion benefit. This change will reduce the number of amendments to the Regulation. The statement of policy announces CHAMPUS policy on coverage of abortion services resulting from the Department of Defense Appropriation Acts for 1981 and 1982 and the Department of Health and Human Services Supplemental Appropriations and Rescission Act, 1981.

EFFECTIVE DATE: Technical change to § 199.10 is effective upon publication. Statement of Policy—The portion of this statement which affects Department of Health and Human Services (DHHS) CHAMPUS beneficiaries is retroactively effective to June 5, 1981. That portion of the statement resulting from the Department of Defense Appropriation Act, 1981, affects claims paid during the period December 15, 1980 to December 28, 1981. That portion of the statement resulting from the Department of Defense Appropriation Act, 1982, affects claims paid during the period December 29, 1981 to the date of enactment of the next annual Department of Defense Appropriation Act.

FOR FURTHER INFORMATION CONTACT: Charles M. Gallegos, Chief, Policy Branch, OCHAMPUS, telephone (303) 361-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published DoD Regulation 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)." The Regulation authorizes benefits for abortion services.

Technical Change

Since 1979, the Department of Defense Appropriation Acts have imposed limitations on CHAMPUS coverage for abortion services. The specific limitations have changed from year to year. Since the details of the limitations have been contained in § 199.10(e)(2)(ii), each change has required an amendment to the regulation. It is inappropriate for the regulation to contain information that changes so frequently; therefore, we are amending it to remove details of the abortion coverage by replacing subparagraphs (i) and (ii) with a "NOTE" explaining that the abortion benefit is dependent on legislative changes.

PART 199—IMPLEMENTATION OF THE CIVILIAN AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Accordingly, 32 CFR, Chapter I, Part 199, is amended by removing subparagraphs (i) and (ii) of § 199.10(e)(2) and adding a Note to read as follows:

§ 199.10 Basic program benefits.

- (e) *Special benefit information.* * * *
- (1) * * *
- (2) *Abortion.* * * *

Note.—Covered abortion services are limited to medical services and supplies only and do not include abortion counseling or referral fees. Availability of benefits for abortion services will depend on the language of future legislation, such as the annual appropriation acts of the Department of Defense and the Department of Health and Human Services. The Director, CHAMPUS, or a designee, shall issue guidelines describing the policy on abortion benefits.

Statement of Policy

CHAMPUS payment for abortions is subject to both the Department of Defense Appropriation Act and the Department of Health and Human Services Supplemental Appropriations and Rescission Act, 1981.

In 1979, the Department of Defense Appropriation Act prohibited payment for abortions except under the following circumstances:

—Where the life of the woman would be endangered or her health seriously

damaged if the pregnancy were carried to term; or

—For the victims of rape or incest where promptly reported.

This amendment was published in the Federal Register on March 29, 1979 (44 FR 18661).

In 1980, the Department of Defense Appropriation Act further limited payment by excluding serious physical health damage to the woman as a circumstance under which benefits could be provided (Amendment No. 4, published June 27, 1980, 45 FR 43407).

The Department of Defense Appropriation Act, 1981, prohibits CHAMPUS coverage of abortions for Department of Defense (DOD) beneficiaries (dependents and retired personnel of the Army, Navy, Air Force and Marine Corps) except where the life of the woman would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has been reported to a law enforcement agency or public health service within 72 hours; or except where medical procedures are necessary to terminate an ectopic pregnancy. Coverage of drugs or devices which prevent the implantation of a fertilized ovum is not restricted.

The Department of Defense Appropriation Act, 1982, deletes the exceptions for rape and incest. Under this act, funds are only allowed for abortion where the life of the mother would be threatened if the fetus were carried to term. Again, coverage of drugs or devices which prevent the implantation of a fertilized ovum is not restricted.

The Public Health Service, Department of Health and Human Services, reimburses the Department of Defense for care provided under CHAMPUS to dependents and retired personnel of the Coast Guard, the Commissioned Corps of the Public Health Service, and the National Oceanic and Atmospheric Administration. Under the Supplemental Appropriations and Rescission Act, 1981, enacted on June 5, 1981, Department of Health and Human Services funds can be used to perform abortions only where the life of the mother would be threatened if the fetus were carried to term. As a result of this limitation of funds, effective June 5, 1981, CHAMPUS coverage of abortions for beneficiaries of DHHS is prohibited except where the life of the woman would be endangered if the fetus were carried to term. Coverage of medical procedures necessary to terminate an ectopic pregnancy and drugs or devices

which prevent the implantation of a fertilized ovum is not restricted.

(Chapter 55, title 10, U.S.C. and Pub. L. 97-114)

Dated: March 15, 1982.

M. S. Healy,

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

[FR Doc. 82-7573 Filed 3-19-82; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2022-5]

Approval and Promulgation of Implementation Plans: Ohio, Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: As required by section 110(a) of the Clean Air Act and the October 5, 1978, promulgation of National Ambient Air Quality Standards (NAAQS) for lead (43 FR 46258), the States of Ohio and Illinois have submitted State Implementation Plans (SIPs) for lead. With the exception of the Granite City area in Illinois, the lead SIPs provide for the attainment and maintenance of the NAAQS for lead. The State of Illinois will submit a plan for the Granite City area at a later time.

The purpose of this notice is to announce receipt of the lead SIPs, discuss the results of EPA's reviews, and take final rulemaking action.

EFFECTIVE DATE: This action will be effective on May 21, 1982, unless notice is received that someone wishes to submit adverse or critical comments on or before April 21, 1982.

ADDRESSES: Copies of the materials submitted by the States are available at: U.S. Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216.

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection

Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978 National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the U.S. Environmental Protection Agency (EPA) (43 FR 46258). Both the primary and secondary standards were set at a level of 1.5 micrograms lead per cubic meter of air ($\mu\text{g lead}/\text{m}^3$) maximum arithmetic mean as averaged over a calendar quarter. Section 110(a)(1) of the Clean Air Act (the Act), requires each State to submit a SIP which provides for the attainment and maintenance of the primary and secondary NAAQS.

The State of Ohio submitted a SIP for the attainment of the lead NAAQS on February 12, 1981. The plan showed that all parts of the State where lead monitoring has occurred are currently in attainment of the lead NAAQS. The lead NAAQS will be maintained through continuation of the federal program to phase down lead in gasoline and through a new source review program.

The State of Illinois submitted a plan on July 29, 1981. The plan showed that the State attains the NAAQS for lead in all areas of the State except for Granite City. The State will submit a plan for Granite City at a later time. Details of the respective plans are summarized below.

The general requirements for a SIP are outlined in section 110(a)(2) of the Clean Air Act and EPA regulations at 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are outlined in 40 CFR Part 51, Subpart E.

These provisions require the submission of air quality data, emission data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified by the Clean Air Act (CAA), and provisions for insuring maintenance of the NAAQS. EPA has evaluated the Illinois and Ohio plans by comparing them to the requirements for an approvable SIP, as set forth in the above mentioned Code of Federal Regulations.

II. Ohio

Ohio's plan includes a discussion of ambient monitoring results, an emission inventory of 113 facilities, and a demonstration that the NAAQS for lead

will be attained through the federal programs to improve fuel economy and reduce lead in gasoline. The state has also determined that controls for total suspended particulates (TSP) will be sufficient to maintain the NAAQS for lead at stationary sources.

The State established five areas in which lead ambient monitoring systems are required. These areas include: Akron, Cleveland, Columbus, Cincinnati, and Dayton. There are two monitors in each city. One monitor is located in a neighborhood setting and the other is located on a roadway to sample mobile source emissions. These monitors have been in operation since the beginning of 1979 and have not recorded any violations of the standard.

The State developed an emission inventory of 113 facilities in eleven source categories capable of emitting lead. In each case, the sources were below the emission level that would require atmospheric dispersion modeling. Therefore, the State believes that stationary sources in Ohio contribute insignificantly to ambient lead concentrations. Because of these considerations, an attainment demonstration based on modeling was not a requirement for the Ohio lead SIP.

Thus, the State finds it unnecessary to develop specific rules to regulate the emissions of lead from stationary sources. The State explains that existing lead sources will be controlled by existing particulate regulations. The State's existing particulate regulation calls for Reasonably Available Control Technology (RACT) and the new source regulation requires Best Available Control Technology (BACT) on all new sources in the State. The equipment used as BACT for particulates is also BACT for most of the emissions of lead. The emissions that come from a process or combustion stack are controlled by scrubbers or baghouses. These techniques are adequate to control the lead emissions to prevent exceedances in the vicinity of the source.

Finally, mobile sources are controlled through the federal programs to improve fuel economy and the reduction of lead as an additive in gasoline. These programs will bring about a decline of the ambient concentrations of lead at the sites where high concentrations have been measured. The State is relying on this strategy for the bulk of the reductions of lead emissions and future violations of the lead standard are not expected.

The two strategies, one controlling mobile source emissions and the other stationary source emissions of lead, will be adequate to maintain the ambient

lead standard. The effectiveness of mobile source controls (i.e., the phase down of lead in gasoline) will be tracked through the State's lead monitoring program. Stationary sources will be tracked and controlled through the State's existing permit review program as well as the State's monitoring program. Thus, the State's lead SIP meets all the criteria for lead SIP approval and will control emissions of lead and track the status of attainment through its surveillance program.

In 40 CFR 51.18(a), there is a requirement that the State demonstrate that it has procedures for controlling new emissions such that these emissions will not result in a violation of the applicable control strategy or interfere with the maintenance of the NAAQS. Therefore, EPA has done analyses of these SIPs and State procedures.

The State of Ohio has regulations which require permit reviews for sources emitting 5 tons per year of any pollutant. Under this authority, the Ohio EPA does analyses to determine any impacts on the lead standards. These procedures are adequate for the Ohio EPA to maintain the NAAQS for lead.

The State of Ohio, in a telephone conversation with EPA on January 13, 1982, agreed to submit a letter giving more details which clarify and confirm that the State has procedures for evaluating the impact of new lead sources. EPA approves the Ohio lead SIP with the understanding that the State of Ohio will submit this additional information.

III. Illinois

On July 29, 1981, the State of Illinois submitted a lead SIP to EPA. The SIP submittal includes a discussion of the State's lead monitoring program, emissions data, modeling results and an attainment demonstration and control strategy development.

At present, the State's air sampling network consists of approximately 150 TSP/lead monitoring sites located statewide with approximately three-quarters of these sites located in the Chicago, Peoria and St. Louis metropolitan areas.

The analysis of the six years of available data shows a total of seventeen monitoring sites (of the 150 operating) violating the lead standard. All of the violations were recorded in either the Metropolitan Chicago Air Quality Control Region (AQCR) or the St. Louis AQCR. The highest quarterly average recorded was 4.4 micrograms per cubic meter at Granite City in the St. Louis AQCR during the fourth quarter of 1978.

From 1978 through 1979 the same Granite City site recorded seven violations of the lead standard—the most at any site in the State.

The lead emissions inventory includes both point and mobile sources. The mobile source categories include tailpipe emissions and reentrained dust emissions. The boundaries of the study were established based on evaluation of relative size and location of point sources and the location of major streets and highways in the vicinity of point sources.

Point source information was developed using several approaches. The first involved reviewing an EPA list of facilities located in Illinois with significant emissions of lead. The second approach involved the use of the State's Total Air System to identify codes for primary and fabricated metals. Emissions factors were used to determine emissions which were then added to the baseline inventory.

The emissions in the violation areas were determined through mathematical models. A mathematical modeling exercise was employed by the State to determine whether the lead phase down program and existing particulate controls would be sufficient to remedy past monitored violations of the lead standard. In all areas but one, the State found the existing strategies adequate to attain and maintain the ambient air quality standard. In the one area, Granite City, the State is developing a strategy to address the problem. This plan will be submitted at a later time. The existing strategies were primarily comprised of the federal lead phase down program.

In conclusion, the analysis of the excursions of the lead standard in Illinois indicates that state-wide regulations will not be necessary as site-specific control measures will be developed for the lead nonattainment area in Granite City. Without these site-specific controls in Granite City the State projects that violations will continue to persist. This is the only part of the State where lead-specific regulations are required. All other sources around the State are controlled using total suspended particulate technology which simultaneously controls lead particulate. Mobile sources (area sources) are controlled externally by the federal lead phase-down program.

In 40 CFR 51.18(a), there is a requirement that the State demonstrate that it has procedures for controlling new emissions such that these emissions will not result in a violation of the applicable control strategy or interfere with the maintenance of the NAAQS.

Therefore, EPA has done analyses of these SIPs and State procedures.

The Illinois lead SIP, volume 9, is part of the State's general SIP, which contains the new source review requirements in volume 1. These requirements in volume 1 will apply to lead sources as well.

The State's new source review procedures, which identify lead specifically, provide for ambient air quality impact analyses for all sources identified by a screening process designed to identify source sizes and types that could affect the maintenance of the NAAQS.

The State of Illinois, in a telephone conversation with EPA on January 13, 1982, agreed to submit a letter giving more details which clarify and confirm that the State has procedures for evaluating the impact of all new lead sources. EPA approves the Illinois lead SIP with the understanding that the State of Illinois will submit this additional information.

Therefore, the Illinois lead SIP meets all the criteria for lead SIP approval, and EPA approves it with the exception of the Granite City Plan. The Granite City Plan will be submitted by the State at a later time, and EPA will take rulemaking action on it at that time.

IV. Monitoring Plans

On September 3, 1981, EPA published its final rules pertaining to Ambient Lead Monitoring and Data Handling (46 FR 44158). The rules call for the development of a State monitoring plan for lead for inclusion into the surveillance and ambient monitoring program.

The plans should reflect the scheduling and establishment of a monitoring network and data handling reporting procedures which meet the requirements detailed in EPA's September 30, 1981 Federal Register (46 FR 44158). EPA approves the Ohio and Illinois lead monitoring SIP, with the understanding that a monitoring plan consistent with these requirements will be submitted to EPA. EPA will take rulemaking action on these plans following their submission.

Approval of the Illinois and Ohio lead SIPs is being done without prior proposal because the plans are noncontroversial and of limited impact. No comments are anticipated. The public is advised that this action will be effective May 21, 1982 unless notice is received on or before April 21, 1982 that someone wishes to submit adverse or critical comments. In that event, a subsequent notice will be published which will withdraw the final action

and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of the 5 U.S.C. 605(b), I hereby certify that this action which is being taken under sections 110 and 172 of the Act will not, if promulgated, have a significant economic impact on a substantial number of small entities. Today's action only proposes to approve a State action, and therefore imposes no new requirements under section 110 of the Act.

These regulations were exempted from review by the Office of Management and Budget (OMB) under section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Act the requirements which are subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the States of Ohio and Illinois was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Act as amended (42 U.S.C. 7410 and 7502))

Date: March 11, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended by adding Subpart O as follows:

Subpart O—Illinois

1. Section 52.720 is amended by adding paragraph (c)(29) to read as follows:

§ 52.720 Identification of the plan.

* * * * *

(c) * * *

* * * * *

(29) On July 21, 1981, the State submitted Volume 9 Lead, of the Illinois State Implementation Plan for Air Pollution Control for incorporation in the Illinois State Implementation Plan. This plan covers all areas in Illinois except for Granite City in the St. Louis Interstate AQCR.

* * * * *

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

Subpart KK—Ohio

Section 52.1870 is amended by adding paragraph (c)(40) as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

* * * * *

(40) On February 12, 1981, the State of Ohio submitted its Lead SIP Plan which contains a discussion of ambient monitoring results, an attainment demonstration and stationary and mobile source controls for lead.

* * * * *

[FR Doc. 82-7460 Filed 3-19-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-10-FRL-2066-5]

Approval and Promulgation of Implementation Plan Revisions; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA announces its approval of the transportation control plan portion of the Spokane carbon monoxide nonattainment area control strategy and removes the condition of approval published December 24, 1980 (45 FR 85008). EPA is also correcting the September 14, 1981 (46 FR 45607) rulemaking to properly identify the date of the Spokane County Air Pollution Control Authority Regulation II as presented in Table 52.2479 of 40 CFR 52.2479. This action will be effective on May 21, 1982 unless notice is received before April 21, 1982 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period prior to final rulemaking on this action.

EFFECTIVE DATE: May 21, 1982.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at: Central Docket Section (10A-80-13), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, M/S 532, Seattle, Washington 98101;

State of Washington, Department of Ecology, 4224-Sixth Avenue SE., Lacey, Washington 98504; Office of Federal Register, 1100 L Street, Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 632, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; Telephone No. (206) 442-1275; (FTS) 399-1275.

SUPPLEMENTARY INFORMATION:

I. Spokane Carbon Monoxide Attainment Strategy

On December 24, 1980 (45 FR 85008) EPA conditionally approved the transportation control portion of the Spokane CO attainment strategy. The only condition of approval involved verification that the expansion of transit service, from which major CO reductions are anticipated, would be implemented in an expeditious manner.

On March 10, 1981 a sales tax increase was approved by the Spokane voters, thus enabling the Spokane Regional Planning Conference (SRPC) to actively develop a schedule for transit service expansion. A schedule was submitted to EPA on April 2, 1981 by the SRPC. Follow-up correspondence indicates that the expansion is being implemented in accordance with the submitted schedule.

On November 17, 1981 the State of Washington Department of Ecology (WDE) recommended approval of the Spokane progress report, which incorporated the transit service expansion schedule and requested EPA to approve it in terms of satisfying the December 24, 1980 condition of approval. Today's rulemaking action will approve the Spokane TCP and remove the condition of approval previously imposed.

II. Correction of September 14, 1981 Federal Rulemaking

The correction to the September 14, 1981 (46 FR 45607) Federal Rulemaking involves the date of the applicable regulations for Spokane County as listed in Table 52.2479 of 40 CFR 52.2479. The date of the regulation was inadvertently listed as January 6, 1975. It should be January 1, 1979, the date that Regulation II, Article 1, Section 4.01 was revised to include additional particulate matter control measures.

This action will be effective 60 days from the date of this Federal Register notice. However, if notice is received on or before April 21, 1982 that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those

revisions will be withdrawn and EPA will initiate the normal rulemaking process of proposal and consideration of comments prior to final rulemaking.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before May 21, 1981. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under sections 110 and 172 within the terms of the January 27, 1981 certification.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

This notice of final rulemaking is issued under the authority of sections 110 and 172 of the Clean Air Act as amended (42 U.S.C. 7410(a) and 7502).

Note.—Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register on July 19, 1981.

Dated: March 11, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. § 52.2470 paragraph (c)(28) is added as follows:

§ 52.2470 Identification of plan.

* * *

(c) * * *

(28) On November 17, 1981 the State of Washington Department of Ecology submitted a revision to the SIP, including a schedule to implement expanded transit service in Spokane, which satisfies the condition of approval published December 24, 1980 (45 FR 85008). On March 22, 1982 EPA approved the Spokane TCP for CO and removed the condition.

§ 52.2487 [Amended]

2. In § 52.2487 paragraph (a)(2) is removed.

§ 52.2479 [Amended]

3. In § 52.2479 Table 52.2479 is corrected by changing the "Date of Regulation" from January 6, 1975 to January 1, 1979.

[FR Doc. 82-7577 Filed 3-19-82; 8:45 am]

BILLING CODE 6580-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-76]

Acquisition of Systems Furniture

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: The General Services Administration initiated a test program in March 1978, to identify the cost effectiveness of systems furniture. After review of the program, GSA has concluded that systems furniture may present a viable solution to some space management problems; however, because of its relatively high cost compared to conventional furniture available through the Federal supply system, its procurement should be limited to only those times when its use will result in legitimate space and dollar savings. GSA has further concluded that continuing requirements for the reduction of expenditures for new furniture and for improved utilization of available furniture and office space inventories requires a high degree of management attention and control by agency heads and GSA. This regulation sets forth general management policies and procedures related to the acquisition of systems furniture.

DATES: Effective date: March 1, 1982.

Expiration date: February 28, 1983.

Comments due on or before: December 31, 1982.

ADDRESS: Comments should be addressed to: General Services Administration (FN), Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT:

Mr. A. H. Brogan, Director, Market Research and Analysis Division, National Furniture Center, Federal Supply Service (703-557-8450).

SUPPLEMENTARY INFORMATION: 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.

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E.

March 12, 1982.

[FPMR Temp. Reg. E-76]

1. **Purpose.** This temporary regulation sets forth general management policies and procedures related to the acquisition of systems furniture.

2. **Effective date.** This regulation became effective March 1, 1982.

3. **Expiration date.** This regulation expires February 28, 1983.

4. **Applicability.** The provisions of this temporary regulation apply to all Federal agencies.

5. **Definitions.** For the purposes of this temporary regulation:

a. "Systems furniture" is an arrangement of modular components utilizing vertical space which meets prescribed functional work station requirements. The components consist of work surfaces, storage units, power and communications outlets, and privacy panels which interconnect and are assembled into work stations of various sizes, configurations, and complexity.

b. "Conventional office furniture" are freestanding units and partitions, available from the Federal supply system. Commercially available furniture and partitions, though described by manufacturers as "systems furniture," will be deemed conventional furniture if components may be used as freestanding.

c. "Space manager," in buildings within the assignment and reassignment authority of GSA, is a GSA Public Buildings Service official. Within the Department of Defense and any other agency which is authorized to purchase or lease space under special authority, the space manager is the official at the agency administrative level responsible for the assignment and reassignment of agency-managed space.

d. "Property manager" is the official at the agency administrative level responsible for management of agency-owned personal property. In the case of the military, it is a chief officer of a major command who is responsible for management of the unit's personal property.

e. "Costs" include the cost of design, furniture, delivery, installation, post-installation services, optional service

contracts if elected, and alterations as they pertain to furniture decisions.

f. "Space savings" is the difference between the amount of space required for a systems furniture office layout and a conventional furniture layout when both are based upon the same functional requirements. In order to be considered "space savings," space saved must be taken advantage of in a constructive manner and must alleviate a need to procure additional space, or it must cause the agency to relinquish some of its present space.

g. "Alteration" means repairing, remodeling, improving, or making other changes in a building, exclusive of maintenance repairs which are preventative in nature.

h. "Extension" means an addition to or enlargement of an existing building which results in an increase in capacity.

i. "Conversion" means alterations resulting in reclassification of space; e.g., from storage or special space to office space.

j. "Space adjustment" means a rearrangement of space or relocation of equipment which does not increase building capacity or improve its quality.

6. *Relationship to other regulations.* The provisions of the following, which promote maximum utilization of Government-owned inventories and the purchase of new furniture based upon validated functional requirements and least cost, shall be satisfied prior to the acquisition of systems furniture:

a. Section 101-25.302 requires agencies to establish use standards for office furniture;

b. Sections 101-43.102-1 and 101-43.103 and Subpart 101-43.3 address the utilization of excess property;

c. Section 101-25.104-1 addresses the redistribution, repair, or rehabilitation of agency-owned furniture;

d. Section 101-25.404 addresses the replacement standards for furniture;

e. Section 101-25.104 addresses the acquisition of office furniture based upon essentiality and cost;

f. Section 101-25.302-2 addresses the utilization and replacement of file cabinets;

g. Subpart 101-17.4 addresses the methods used in the planning and layout of space assignments and prescribes the conditions governing GSA-agency coordination;

h. Subpart 101-17.3 provides space standards, criteria, and guidelines which must be considered in connection with achieving more efficient layouts and better space utilization; and

i. Section 101-26.408 addresses the procurement of lowest price items under multiple-award contracts.

7. *Effect on other directives.* All previous GSA directives, policies, and/or procedures concerning the acquisition and management of systems furniture are canceled.

8. *Background.* GSA initiated a test program in March 1978, to identify the space saving potential and cost effectiveness of systems furniture. After review of the program, GSA has concluded that the acquisition of systems furniture should be subject to stringent management control. While systems furniture can be a viable alternative to conventional office furniture in furnishing Government offices, it is

substantially more expensive and, therefore, requires a high degree of management attention prior to acquisition and periodic attention to the installation thereafter to ensure that management objectives are achieved and cost benefits are realized. It is also essential that project records are well documented throughout the cost life of a project to facilitate an assessment of the impact of systems furniture on space savings, productivity, and employee and management attitudes and work environment. The results of this assessment will be used to determine the future use of systems furniture by Federal agencies.

9. *Basic policy.* Systems furniture may be procured by executive agencies only when its use in lieu of conventional office furniture results in the most efficient and cost effective assignment and/or utilization of Government-controlled office space. Each agency head is authorized to approve the acquisition of systems furniture for use within his/her agency subject to meeting the approval criteria, recordkeeping, and reporting requirements in this regulation. The approval criteria, etc., shall be applied on a project-by-project basis.

10. *Management responsibilities.*

a. The Commissioner, Federal Supply Service, is responsible for providing program direction, authorizing procurement of systems furniture on a project-by-project basis, and monitoring compliance with the provisions of this regulation, including collaboration with agency Inspectors General for audit of selected projects.

b. Agency heads are responsible for certifying compliance with the provisions and spirit of this regulation within their respective agencies. Heads of agencies are personally responsible for the review and authorization of expenditures for systems furniture in excess of \$500,000. This authority may be redelegated for lesser costs to officials at the Assistant Secretary or equivalent level. For the Department of Defense, authority to approve projects which cost less than \$500,000 may be redelegated to commanding officers for major commands.

c. The property manager is responsible for ensuring that all requirements governing the use, repair/rehabilitation, and disposition of property have been satisfied, and for certifying that a furniture procurement is necessary. The property manager is also responsible for establishing agency procedures for the accounting of and internal management control for systems furniture.

d. The space manager is responsible for reviewing systems furniture floor plans for functional and space utilization efficiency, and for consistency with the application package. The space manager also is responsible for notifying the requesting activity in writing of the results of the review, including an explanation or advisory opinion, if appropriate, as to why proposed systems furniture floor plans do not meet space utilization criteria.

e. Agency Inspectors General are responsible for cooperating with the Commissioner, FSS, in the post-audit of selected systems furniture projects installed within their respective agencies.

11. *Approval criteria.* The following criteria must be met prior to the acquisition of

systems furniture by an executive agency. The conditions under which the acquisition of systems furniture may be considered have been limited to ensure that space management and fiscal objectives of this regulation are achieved.

a. The project must be associated with one of the following space management actions:

(1) Assigning and planning space for a new organization;

(2) Assigning and planning space in conjunction with agency relocations from one facility to another;

(3) Assigning and planning space for extensions to a facility or conversions of a facility;

(4) Planning space to consolidate agency activities;

(5) Satisfying requests for additional office space (Subject to initiation by a "space manager."); or

(6) Increasing space utilization, with demonstrable cost savings. All costs must be considered, as defined in subparagraph 5e.

b. All regulations governing the use, repair, and/or rehabilitation of agency-owned and Government-excess property must be satisfied, and they must be so certified by an authorized property manager.

c. Space savings will result through the employment of systems furniture as determined by the space manager. To meet this criterion, a project of at least 50 work stations is normally required.

d. Recovery of the net difference between the initial cost of systems furniture and any other comparable conventional option will be accomplished within 8 years of project installation. In this connection, a comparative cost analysis of systems furniture and conventional office furniture based upon space savings is required (See attachment A.)

e. The agency head or his/her designee certifies that project plans and records have been reviewed and, based upon the information provided, satisfy the requirements of this regulation.

f. The proposed acquisition has been approved by an authorized agency official. (See subparagraph 10b).

g. A letter of procurement authority has been obtained from the General Services Administration, Federal Supply Service, Furniture Commodity Center, Washington, DC 20406. (See paragraphs 12 and 14.)

12. *Procurement methodology.* Agencies shall procure their systems furniture requirements from a "limited-access" GSA multiple award schedule, FSC 71, Part II, Section E. Systems furniture suppliers are specifically prohibited by GSA contract terms from accepting orders not accompanied by a letter of authorization from GSA. Items common to both systems furniture and conventional office furniture; e.g., upholstered furniture, office chairs, and conference tables, are not included in the schedule and shall be procured from standard Federal supply sources. It is incumbent upon the buying agency to evaluate fully all the items available under the schedule in order to select the lowest cost items which will satisfy its functional requirements. The methodology used to make the selections must be approved by a certified procurement agent

and documented in the project file. In the event the procurement cost exceeds the maximum order limitation, the agency shall competitively procure its requirements in accordance with applicable procurement regulations in a manner which maximizes competition. Proposed procurement shall be announced in the "Commerce Business Daily."

13. *Recordkeeping.* Each agency shall establish one or more offices as central points of contact to maintain accurate records of systems furniture projects. Project records will be maintained for 3 years after project installation. These offices shall have access to all decision documents and data pertinent to actions taken under this regulation and will respond in a timely manner to all related inquiries from GSA. To ensure that a proper audit trail exists for post-installation audit and program evaluation, the following documentation must be included in individual project records:

- a. An official roster of the organization occupying the space, adjusted to reflect approved vacancies if appropriate;
- b. Prototypical work station layouts drawn to scale and appropriately labeled for each furniture option considered;
- c. Templated office layouts appropriately labeled for each furniture option considered, including the existing office arrangement;
- d. Complete cost analysis;
- e. Source document justifying the annual office space cost per-square-foot used in the cost analysis;
- f. Explanation of intended use of office space saved as a result of systems furniture;
- g. Certification of the agency head (See subparagraph 10b);
- h. Certification of the property manager (See subparagraph 10c);
- i. Letter of determination of the space manager (See subparagraph 10d); and
- j. Description of the methodology used to make any brand-name selection(s).

14. *Reporting requirement.* Agencies shall notify the Director, Furniture Commodity Center, Federal Supply Service, Washington, DC 20406, of each impending systems furniture acquisition prior to initiating procurement action, and shall provide the program management information prescribed in attachment C. In addition, agencies shall furnish copies of the property manager's certification, the space manager's determination, the agency head's certification, and the cost comparison analysis.

15. *Agency comments.* Comments concerning the effect or impact of this regulation should be submitted to the Director, Furniture Commodity Center, Federal Supply Service, Washington, DC 20406, no later than December 31, 1982, for consideration and possible incorporation into a permanent regulation.

Gerald P. Carmen,
Administrator of General Services.

[FPMR Temp. Reg. E-76; Attachment A]

Cost Comparison Analysis

1. *Purpose.* This attachment provides general information and detailed instructions which agencies must follow to conduct

comparative cost analyses of systems furniture and conventional office furniture based upon space savings. The analysis is required by subparagraph 11d of the basic FPMR.

2. *Background.* Systems furniture may present a viable solution to some space management problems; however, it is only one of many options from which to choose. It is significantly more expensive than conventional office furniture available through the Federal supply system. This fact necessitates the careful review of all options, including optimum utilization of existing space and furniture, to ensure that systems furniture is procured only when cost effective for the Government. GSA has determined that in most cases justification for incurring the additional expense of systems furniture is primarily dependent upon potential office space savings.

3. *Critical considerations.* The following critical considerations must be satisfied prior to undertaking the cost comparison analysis:

a. The planning activity has fully considered (1) the best use of the proposed space without alterations; (2) the best use of the proposed space with alterations using conventional furniture maximizing the use of existing conventional furniture; (3) the potential use of the proposed space with alterations using systems furniture; (4) the potential use of the proposed space using a combination of systems furniture and conventional furniture with and without alterations.

b. The agency head has certified that a space management problem meeting the criteria set forth in subparagraph 11a of this regulation exists within the activity under study and the use of systems furniture may provide an opportunity for substantial space savings. Because the cost effectiveness of systems furniture is usually dependent upon space savings, a professional space management decision is necessary to accurately determine that space savings may actually occur if systems furniture is installed. Only responsible space management policy, the responsible administration of that policy, and responsive office planning will assure the success of any space planning solution. It is the management of the furniture, not some inherent feature of the furniture itself, that will create cost benefits and space savings.

c. Agency officials and the responsible property manager have reviewed applicable FPMR governing maximum use of Government-owned property and determined that a major furniture procurement is required. The prudent expenditure of public funds requires Federal agencies to use already-owned furniture to the maximum extent possible. This includes agency-owned items as well as excess available at little or no cost to an agency through the GSA Federal Property Resources Service. New furniture should not be procured unless there is a clear need for the existing conventional furniture present elsewhere in the organization. In no case should serviceable furniture be declared excess to upgrade office appearance or quality of existing furniture.

d. The new furniture will be placed in predominantly open office space. Wall and

partition alteration costs for each option will be fully accounted for in the cost comparison analysis.

4. *Development of options.* To conduct a cost analysis between systems and conventional furniture, each furniture option must be carefully developed to provide a realistic and useful comparison. The number of options will depend largely upon the circumstances confronting the agency; each one should be equally capable of satisfying the functional requirements of the organization being studied. The following options must be developed:

- (1) Conventional furniture in proposed space with no partition changes;
- (2) Conventional furniture in proposed space with minimal partition changes;
- (3) Systems furniture in proposed space with minimal partition changes.

In none of the above options should new conventional furniture be purchased if existing furniture is available that will adequately satisfy the agency's functional needs. Consideration must also be given to using rehabilitated conventional furniture. Whenever practical, office planners should conduct comprehensive analyses of organizational staffing, and workflow and communications processes and equipment, and should program them for any changes which may be required. Also, special consideration should be given to present and future needs for handicapped employees.

5. *Space analysis.* A detailed space analysis must be performed for all conventional and systems furniture options as well as for the organization's present furniture layout. The objectives of the evaluation are to determine the amount and utilization rate of office space currently required under each furniture option, and to determine the annual cost per-square-foot of the office space in which the furniture will be installed.

a. *First,* develop prototypical work station layouts. At least two layouts are required—one using systems furniture and the other using conventional furniture. They must be of similar quality and utility. The arrangements should be drawn to scale and should be based upon a review of the functions of the employees.

b. *Second,* determine the space requirement for each work station arrangement developed in a, above.

c. *Third,* prepare office layouts for all furniture options. The layout should include all general office space, administrative support space, and special space associated with the proposed installation. The space allowances for the administrative support space and special space should be similar or equal in all layouts in order to ensure a basis for comparison. The space manager should be contacted for office layout assistance in the event planning officials do not have in-house interior design capability. The office layouts should be developed in accordance with the following guidelines:

- (1) Shared administrative support space which is to be used less than 50 percent of the time by the project occupants should not be included in the layouts, and should not receive systems furniture.

(2) Private offices not directly associated with the project should not be included in the layouts. In no case should systems furniture be placed in an enclosed, private office.

(3) Layouts for each alternative should contain the same number of people. If an alternative cannot accommodate all staff members in the space available, the additional area required should be illustrated in the layout.

(4) Work stations and administrative areas in the systems furniture layout which use conventional furniture should occupy an area equal to that projected for the conventional furniture option.

(5) All office layouts should contain adequate amounts of circulation space, normally about 20 percent of the space dedicated for work stations.

(6) Personnel projections should be based on the actual number of people who are expected to occupy the project area. If staffing increases are anticipated by the time of project completion, the higher number should be used, provided the increases have been approved by agency budgetary/planning officials. Documentary evidence of the approved staffing increases should be included in the project record.

d. *Fourth*, determine the area used under each option based on the layouts in c, above. (Office planners are cautioned that the measurements taken represent the amount of space within which the project must be installed. Failure to provide sufficient space in the layouts may result in cramped work stations and ultimate failure of the project.)

e. The *final* space related data element which must be determined is the annual cost per-square-foot chargeable to the office space under consideration. The rate should be for the year of installation and should not be inflated for future price increases. This rate should include the costs of rent, utilities, maintenance, and any overhead chargeable to that space. If the space is GSA-controlled, the Standard Level User Charge (SLUC) for that space should be used. If the space is agency-controlled, either the actual annual lease cost per-square-foot, or the fair market rental value per-square-foot for comparable space in the surrounding community should be used. Assistance in determining the appropriate rate may be obtained from the regional GSA Public Buildings Service.

6. Cost comparison of furniture options.

a. Once all furniture options have been identified and projections of office space requirements for each have been completed, it is then appropriate to compare the cost of the available options. The objective of such an analysis is to identify that option which satisfies organizational needs in the most cost effective manner. The format for the analysis of each option will be:

TOTAL INITIAL COSTS
plus
ANNUAL COSTS
minus
SALVAGE VALUE OF EQUIPMENT
equals
TOTAL COST OF THE OPTION

b. There are several operating assumptions of the cost analysis which must be considered. They are:

(1) Projected furniture and office space costs are evaluated over an 8-year term.

(2) Future costs will be stated in constant dollars; that is, projections of office space costs will not be adjusted for inflation.

(3) Systems and conventional furniture have similar useful lives, and deteriorate at similar rates.

c. A cost comparison analysis for, attachment B, for furniture evaluation has been developed based on the above assumptions. Discounting factors have been included so that the results are stated in present value terms. In the following subparagraphs a discussion of the cost elements involved in the analysis is provided.

(1) *Initial costs.* Furniture cost projections should be based upon the specific provisions of the option under consideration. No costs should be charged for used furniture employed in any option. Costs projected for rehabilitated conventional furniture should be 40 percent of new cost. Costs projections for either new systems or new conventional furniture should be based upon either GSA stock catalog prices or GSA multiple award schedule contract prices. Documentation and costs of each option listing the furniture requirements should be retained in the project record.

(2) *Design/layout costs.* The estimated cost for design services for each furniture option should be developed. The sources of this estimate may be the regional GSA Public Buildings Service office, or private design contractors. Regardless of the source, a statement should be included in the projected file explaining how the estimate was developed.

(3) *Delivery and installation costs.* The costs of installation of the furniture should be reviewed for each option. Estimates may be obtained from manufacturers' representatives. For conventional and systems furniture ordered from a GSA furniture schedule, there is no charge for delivery to the building containing the office space under consideration. However, the furniture must be moved from the building loading dock to the office area and be installed. Estimates should be developed for those installation costs based on the number of manhours required and cost per hour for such labor. The installation of systems furniture will require specially trained individuals and may be more expensive than conventional furniture.

(4) *Post-installation cost.* Include cost for supplier furnished user orientation, training, etc. Estimates may be obtained from manufacturers' representatives.

(5) *Building alteration costs.* The costs will vary between furniture options because some options will include partitions capable of providing electrical and telephone conduits. This difference will result in different telephone, electrical, and lighting fixture installation costs. Costs associated with the installation/removal of walls shall be included for each option. Planners are advised that wall installation/removal costs

may not be used to increase conventional furniture solution costs if not proven cost effective. Therefore, for each option, a schedule of building alteration costs must be prepared. The development of estimates should be coordinated with the building facilities manager and the space manager, and the results retained in the project record.

(6) *Service contract cost.* Service contract costs should be obtained by competitive bid, and occur only in conjunction with systems furniture. In such cases estimates should be obtained from manufacturers and documented in the project record. Such services are optional and should only be included if they will be purchased. If the service contract cost is a one-time, "up-front" expenditure, the cost should be reflected in Part I, Initial Costs, of the Cost Comparison Analysis; if it is a recurring annual cost, it should be reflected in Part II, Recurring Costs.

(7) *Recurring cost.* Aside from an optional annual service contract cost, the only other annual cost which is to be considered in this analysis is office space cost. To determine this cost, the total space requirement of each option should be multiplied by the current per-square-foot cost of the office space.

(8) *Salvage value of equipment.* Since it is anticipated that office furniture will have an economic life greater than 8 years, it is necessary to account for the equipment salvage value at the end of the evaluation period. For the purposes of this analysis it will be assumed that all rehabilitated and new furniture will have 27 percent of its original cost remaining at the end of the 8-year period. The original equipment costs (not installation, design, or building preparation costs) for each furniture option should be multiplied by .27; the result is salvage value for the option.

7. *Feasibility determination.* Once all estimates have been developed and documented, the cost comparison analysis form in attachment B should be prepared in accordance with the instructions provided. The option with the lowest present value costs should be selected. If there is less than 1/2 of 1 percent difference of total present value cost between several options, those alternatives should be considered essentially as identical. In all other cases, the option with the lowest present value cost should be selected.

8. *Other savings.* In rare cases, supplemental potential savings, such as energy savings, may partially offset the cost difference between the systems furniture option and the conventional office furniture options. Such claims must be fully quantified and documented in the project record to be considered; they must also be certified by the agency head. A copy of the agency's cost analysis based upon other savings, e.g., energy, shall be submitted to GSA along with attachment B when reporting an approved project.

[FPMR Temp. E-76; Attachment B]

COST COMPARISON ANALYSIS

	Option 1: Conventional with no wall changes	Option 2: Conventional with min. wall changes	Option 3: Systems with min. wall changes
I. Initial Costs			
1. Furniture cost:			
a. Conventional.....			
b. Systems.....			
2. Design/Layout cost.....			
3. Delivery and Installation costs.....			
4. Post-installation support cost.....			
5. Building alterations cost.....			
6. Service contract cost (onetime only).....			
7. Total initial costs lines 1 through 6.....			
II. Recurring Costs			
8. Service Contract Cost.....			
9. Annual cost of office space (total square footage times current cost per-square-foot).....			
10. Total recurring costs.....			
III. Salvage Value			
11. Furniture salvage value			
a. Conventional (Line 1a x .27).....			
b. Systems (Line 1b x .27).....			
12. Total salvage value (Lines 11a and 11b).....			
IV. Present Value Cost of Options			
13. Total initial costs (Line 7).....			
14. Present value of annual cost (Line 10 x 5.335).....			
15. Present value of salvage (Line 12 x .4665).....			
16. Present value cost of option (Line 13 + 14 - 15 =).....			

SELECT OPTION WITH LOWEST PRESENT VALUE COST

Prepared by..... Date.....
 Approved by (agency head)..... Date.....

Completion Instructions

Cost Analysis

I. Initial Costs

1. **Furniture cost.** For each option include all systems and conventional furniture costs which will be incurred if the option is adopted.
2. **Design/layout cost.** Self explanatory.
3. **Delivery and Installation costs.** Self explanatory.
4. **Post-installation support cost.** Include cost for supplier furnished user orientation, training, etc.
5. **Building alterations cost.** Include those costs which will be incurred in preparation for occupancy.
6. **Service contract cost.** Include only for systems furniture when the competitive bid procurement method is to be used. Include only if this is a one-time, "up-front" cost.
7. **Total initial costs.** The sum on lines 1 thru 6.

II. Recurring Cost

8. **Service contract cost.** Include only for systems furniture, and only if payments will be made annually.
9. **Annual cost of office space.** Multiply the total square-foot-space requirement of the option by the annual cost per-square-foot office space.
10. **Total recurring costs.** The sum of lines 8 and 9.

III. Salvage value

11. **Furniture salvage value.** For each option, multiply the cost of conventional (line 1a) and the cost of systems furniture (line 1b) by .27.
12. **Total salvage value.** For each option,

add the salvage value of systems and/or conventional furniture used.

IV. Present Value Cost of Options

13. **Total initial costs.** For each option, insert the amount determined at line 7.
14. **Present value of annual costs.** For each option, multiply the amount determined at line 10 by 5.335.
15. **Present value of salvage.** For each option, multiply the amount determined at line 12 by .4665.
16. **Present value cost of option.** For each option, add lines 13 and 14 and subtract line 15. The result is the total cost of the option over the next eight years stated in present value terms.

(The format included in this cost analysis shall not be printed, reproduced or stocked by GSA offices and shall be used only as a guide for individual preparation.)

[FPMR Temp. Reg. E-76; Attachment C]

Systems Furniture Program—Program Management Data

(In accordance with paragraph 14 of the basic FPMR, the following data should be submitted to the Director, Furniture Commodity Center (FN), Federal Supply Service, Washington, DC 20406 prior to initiating procurement action.)

1. Project Organization and Location:
 - a. Department/Bureau/Agency/Office.
 - b. Mailing address.
 - c. Building, floor, room numbers.

2. Contacts. (Provide names, addresses and telephone numbers):

- a. Project officer.
- b. Space manager.
- c. Property manager.
- d. Agency head.

3. Procurement Data:

- a. Number of work stations to be purchased.....
- b. Name of supplier (if selected):.....
- c. Procurement cost..... \$
- (1) Furniture..... \$
- (2) Design/layout service.....
- (3) Delivery and installation.....
- (4) Post-installation support.....

4. Space Management Data:

- a. Present annual cost per-square-foot of office space..... \$
- b. Onboard employment (Permanent only).....
- c. Current-year authorized employment (Permanent only).....
- d. Present office space assignment (sq. ft.).....
- e. Planned office space assignment (sq. ft.).....
- f. Net office space planned for release to agency space manager for reassignment to another activity.....
- g. Utilization of saved space: (Describe how the saved space will be used if it is not released to the space manager.).....

I am satisfied that all the requirements of FPMR Temporary Regulation E-76 have been met and that this action is a prudent and economical means of solving our space problem. The above data will be reevaluated within 30 days of project installation and the actual accomplishments forwarded to you.

(Signed).....
 Approval Official (See subparagraph 10b)
 Title.....

Enclosures: Enclose (1) agency head's certification, (2) property manager's certification, (3) space manager's determination, (4) completed cost analysis based upon space savings (Attachment B), and (5) agency's cost analysis of other quantifiable savings, if used.

[FR Doc. 82-7587 Filed 3-19-82; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6229

[M-15476]

Montana; Powersite Restoration No. 679; Revocation of Powersite Reserves Nos. 11, 172 and 420

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two Executive orders and a Secretarial order which withdrew lands for powersite purposes. Because of existing withdrawals and an Indian Tribal Treaty none of the lands in this order will be opened to operation of the public land laws.

EFFECTIVE DATE: March 22, 1982.

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

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

1. Executive Order of July 2, 1910, with Interpretation No. 34, which created Powersite Reserve No. 115; Executive Order of January 23, 1911, which created Powersite Reserve No. 172; and Secretarial Order of May 13, 1914 which created Powersite Reserve No. 420 are hereby revoked.

Powersite Restoration No. 679

Principal Meridian

Powersite Reserve No. 115

T. 9 S., R. 28 E.,

Sec. 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 12, lots 1, 2, 3, 4, and 5, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 13, lots 1, 2, 3, 4, 5 and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 23, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 24, lots 1, 2, and 3, and NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 25, lot 1;

Sec. 26, lots 1, 2, 3, and 4, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, lots 1, 2, 3, 4, 7, 8, and 9, and NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 36, lot 1.

T. 7 S., R. 29 E.,

Sec. 22, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 26, lot 1;

Sec. 27, lots 1, 2, 3, 4, 5, and 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 34, lots 1, 2, 3, 4, 5, 6, and 7, and N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 35, lot 1.

T. 8 S., R. 29 E.,

Sec. 3, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9;

Sec. 4, lots 1, 5, 6, and 7;

Sec. 9, lots 1, 2, 3, and 4;

Sec. 15, lots 1 and 2;

Sec. 16, lots 1, 2, 3, 4, 5, and 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, lot 1, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 21, lots 1, 2, 3, and 4, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 28, lots 1, 2, and 3;

Sec. 29, lots 1, 2, 3, 4, 5, 6, and 7, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 31, lots 1, 2, and 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 32, lots 1, 2, 3, 4, and 5;

Sec. 33, lot 1.

T. 9 S., R. 29 E.,

Sec. 6, lots 1, 2, 3, and 4;

Sec. 7, lots 1 and 2;

Sec. 18, lots 1, 2, 3, and 4;

T. 7 S., R. 29 E. (Unsurveyed portion),

Every smallest legal subdivision any part of which when surveyed will lie on the west side of the Bighorn River within one-quarter mile of its bank and which is not included in the Crow Indian Reservation.

Approximate area—4,765 acres.

Powersite Reserve No. 172

T. 9 S., R. 28 E.,

Every smallest legal subdivision on the east bank of the Bighorn River, any portion of which lies within one-quarter mile of the river.

T. 7 S., R. 29 E.,

Every smallest legal subdivision on the east bank of the Bighorn River, any portion of which lies within one-quarter mile of the river.

T. 8 S., R. 29 E.,

Every smallest legal subdivision on the east bank of the Bighorn River, any portion of which lies within one-quarter mile of the river.

Estimated area—5,472 acres.

Powersite Reserve No. 420

T. 7 S., R. 29 E. (Unsurveyed portion),

All lands on the west bank of Bighorn River within one-quarter mile thereof, and within the Crow Indian Reservation.

T. 6 S., R. 30 E. (Unsurveyed portion),

All lands within one-quarter mile of Bighorn River.

T. 7 S., R. 30 E. (Unsurveyed),

All lands within one-quarter mile of Bighorn River.

T. 6 S., R. 31 E.

Sec. 18, lots 1, 4, 5, 6, 7, 8, 11, and 12, and NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 19, lots 1, 2, 3, 4, and 5, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Approximate area—3,580 acres.

The total area to be revoked aggregates approximately 13,817 acres located in Big Horn and Carbon Counties.

2. None of the lands described are opened since they all fall within Bureau

of Reclamation Withdrawal dated October 8, 1966 and Big Horn Canyon National Recreation Association Withdrawal dated October 2, 1968, or overlap lands set aside for the Crow Tribe of Indians by Treaty dated May 7, 1868.

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

Dated: March 10, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-7664 Filed 3-19-82; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 2

[Docket FEMA-Gen-2B]

Organization, Functions, and Delegations of Authority

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document revises the existing FEMA regulation on organization, functions and delegations of authority. It describes the organization of FEMA, and the general course and method by which its functions are channeled and determined. It sets out delegations of authority by the Director. The revision results from recent organizational changes within FEMA.

EFFECTIVE DATE: March 22, 1982.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0377.

SUPPLEMENTARY INFORMATION: This regulation revises one promulgated in June 1980, based on delegations made in 1979. Since June 1980 there has been a substantial reorganization of FEMA and temporary unpublished delegations have been made to the officials now responsible for these functions. This document supersedes those temporary delegations.

This document relates to FEMA's organization and internal practices. Further it is not a substantive rule, and it makes no substantial changes in existing arrangements. Hence, notice and public comment have been omitted and the rule has been made effective

immediately upon publication in the Federal Register.

This rule has no effect on the economy, competition or similar matters, nor does it impact on small entities. Hence no regulatory impact analyses will be prepared under E.O. 12291 or the Regulatory Flexibility Act.

Further, this document is an administrative action and thus is categorically excluded from the requirement for environmental assignments under Part 10 of this chapter.

Accordingly, Part 2 of Chapter I, Title 44, Code of Federal Regulations, is revised to read as follows:

PART 2—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

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- 2.1 Purpose.
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2.12 Office of Executive Administration.
2.13 State and Local Programs and Support Directorate (SLPS).
2.14 National Preparedness Programs Directorate (NPP).
2.15 Resource Management and Administration Directorate (RMA).
2.16 Training and Education Directorate/National Emergency Training Center (T&E).
2.17 Federal Insurance Administration (FIA).
2.18 United States Fire Administration (USFA).
2.19 Office of the Inspector General.
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2.22 Regional offices.

FEMA Locations

- 2.30 FEMA headquarters.
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2.32 National Emergency Training Center.

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General

- 2.50 Purpose.
2.51 Exercise of authority.
2.52 General limitations and reservations.
2.53 Delegations not included.
2.54 Redelegation of authority.
2.55 General delegations.
2.56 Designation of subordinates to act.

Delegations to Specific Officers

- 2.60 Deputy Director [Reserved].
2.61 Associate Director, State and Local Programs and Support (SLPS).
2.62 [Reserved].
2.63 Associate Director, National Preparedness Programs (NPP).

Sec.

- 2.64 Federal Insurance Administration (FIA).
2.65 United States Fire Administration (USFA).
2.66 Associate Director, Training and Education (T&E).
2.67 Associate Director, Resource Management and Administration (RMA).
2.68 [Reserved].
2.69 General Counsel (GC).
2.70 Inspector General (IG).
2.71 Regional directors.

Authority: 5 U.S.C. 552; Sec. 106, Reorganization Plan No. 3 of 1978; Executive Order 12127 of March 31, 1979; Executive Order 12148 of July 20, 1979, as amended.

Subpart A—Organization and Functions

General

§ 2.1 Purpose.

This part describes the organization of the Federal Emergency Management Agency (FEMA), and the general course and method by which its functions are channeled and determined. It provides for the exercise by officials of FEMA of authorities which are vested in the Director specifically by statute, as head of an agency, or as a consequence of a law authorizing such exercise. It also provides for exercise of authorities which have been transferred to the Director by Reorganization Plan or delegated to the Director by Executive Order.

§ 2.2 Organization of FEMA.

(a) The Director is the head of FEMA. All authorities of FEMA are either vested in the Director, or have been transferred to or delegated to the Director. Notwithstanding any delegation by the Director to a subordinate officer of FEMA, the Director may exercise such authority.

(b) FEMA is composed of the Administrations, Directorates, and Offices, the responsibilities of which are described in § 2.10 *et seq.*

FEMA Offices

§ 2.10 Office of the Director.

The Office of the Director consists of the immediate office of the Director.

§ 2.11 Office of Deputy Director. [Reserved]

§ 2.12 Office of Executive Administration.

(a) The Office of Executive Administration consists of the immediate office of the Executive Administrator who provides executive services to the Director and his immediate staff; and

(b) Staff offices as follows:
(1) *Office of Congressional Relations.* Serves as principal point of contact between FEMA and members of Congress, its committees and staffs.

(2) *Office of International Affairs.* Serves as principal staff advisor on policy and programs involving international civil emergency activities.

(3) *Office of Public Affairs.* Provides staff assistance for public information programs. Has primary responsibility for the Freedom of Information Act and Privacy Act.

(4) *Office of Equal Opportunity.* Advises on the scope and coverage of the FEMA equal opportunity program, develops agency affirmative action plans, and conducts reviews and evaluations of program implementation.

(5) *Office of Special Programs.* Initiates, formulates, and develops new programs of special interest to the Office of the Director.

(6) *Office of Security Policy.*

Develops, administers and directs overall FEMA security program.

§ 2.13 State and Local Programs and Support Directorate (SLPS).

This directorate administers authorities under the Disaster Relief Act of 1974, the Federal Civil Defense Act of 1950, as amended (particularly those relating to assistance to State and local governments), the floodplain management functions under the National Flood Insurance Act, relocation functions under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the review and approval of State and local radiological emergency response plans, and other programs of support to State and local governments, and the private sector which are designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. It is responsible for regional coordination. The Directorate is headed by an Associate Director.

(a) The *Office of Natural and Technological Hazards* develops federal plans to mitigate hazards and, when necessary, respond to natural and non-war related man-made disasters. This office also develops and administers programs that provide financial and technical help to State and local governments in emergency management of natural and technological hazards.

(b) *Office of Emergency Coordination* ensures the commitment and readiness of FEMA to respond to peacetime and wartime emergencies swiftly and effectively in support of State and local governments. Functions include those of Federal Coordinating Officer as well as response planning, tests and exercises, Rapid Response Team operations, and liaison with other federal agencies. This office also operates FEMA's Emergency Information and Coordination Center for

the centralized collection and dissemination of information for both peacetime and war related emergencies, potential or actual.

(c) The *Office of Disaster Assistance Programs* administers the President's Disaster Relief Program which provides for supplemental federal assistance in declared major disasters and emergencies. This office develops and administers policy and guidance that ensures the effective implementation of relief programs to help individuals as well as State and local governments in recovering from the effects of peacetime disasters and emergencies and to prevent or mitigate losses after these disasters or emergencies.

(d) The *Office of Emergency Management Programs* assists State and local governments and the private sector in maximizing the survival of the population and other vital resources in the event of civil emergency. It also provides for effective emergency management planning, the development of improved response capabilities, and financial and technical assistance to enhance operational capabilities of State and local governments.

§ 2.14 National Preparedness Programs Directorate (NPP).

This directorate administers authorities contained in the National Security Act, the Strategic and Critical Materials Stock Piling Act, the Federal Civil Defense Act of 1950, as amended, particularly national and federal plans and programs, the Defense Production Act of 1950, as amended, and other national programs. This Office develops and implements plans, policies, concepts, and procedures related to peacetime and wartime emergencies. It serves as principal point of contact with Department of Defense. The directorate is headed by an Associate Director.

(a) The *Office of Resource Preparedness* identifies shortages of natural, industrial, or economic resources that could constitute a threat to national security; develops plans to mitigate the impact of resource shortages; and establishes programs to reduce our nation's vulnerability to resource shortfalls.

(b) The *Office of Government Preparedness* assures the federal government's ability to operate during a national emergency. Federal plans and programs are developed, coordinated, tested, and evaluated to ensure the continuity and effective operation of governments.

(c) The *Office of Civil Preparedness* develops national plans and programs to protect the population and key industrial functions of the United States

against enemy attack. Plans are also developed to lessen the effects of natural and technological hazards and terrorist actions.

(d) The *Office of Mobilization Plans* develops mobilization planning assumptions and priorities for FEMA and other executive branch organizations and coordinates mobilization planning, including threat/vulnerability assessments, with the national security plans of the National Security Council, Department of Defense, and the intelligence community.

(e) The *Office of Research* reviews, monitors and recommends research and development efforts and conducts a small inter-disciplinary program in areas not covered by other FEMA offices.

§ 2.15 Resource Management and Administration Directorate (RM).

This directorate develops and operates financial management and acquisition management systems, and day-to-day administrative support of agency needs. It formulates agency policies and principles governing the establishment of budgetary and accounting systems. It manages agency personnel matters. It is responsible for central telecommunications and automatic data processing necessary to support the satisfactory accomplishment of the agency emergency management mission. It is responsible for the agency emergency special facility. It coordinates agency financial programs with the Office of Management and Budget and is responsible for agency activities under the Paperwork Reduction Act of 1980. The directorate is headed by an Associate Director.

(a) The *Office of Personnel* develops, implements and manages FEMA's personnel programs, including position management, classification, recruitment, placement, salary administration, labor management relations, performance evaluation, incentive awards, discipline, training and career development records, and reports employee services and, in conjunction with the Equal Opportunity Office, equal employment opportunity.

(b) The *Office of the Comptroller* is responsible for establishing Agency policy in the area of financial management, planning, formulating and administering the budget, operating an Agency-wide accounting and reporting systems, supervising contract activity, formulating procedures for the financial administration of grant and assistance agreements, and providing technical assistance and training to Agency personnel and grantees in the areas of financial management, grant and

assistance agreements, budgeting, accounting and procurement.

(c) The *Information Resources Management Office* is responsible for the centralized coordination and control of all resources used for information processing by FEMA (e.g., telecommunications) automated data processing. Also is responsible for FEMA activities connected with emergency broadcast system (EBS).

(d) The *Special Facility* provides the federal civil government with a secure facility from which to respond to national emergencies.

(e) The *Office of Administrative Support* serves the day-to-day administrative needs of the agency, including property, supplies, equipment.

§ 2.16 Training and Education Directorate/ National Emergency Training Center (T&E).

This directorate provides training and education programs for Federal, State, and local personnel in hazard mitigation, emergency preparedness, fire prevention and control, disaster response, and long-term disaster recovery. The training is carried out both through a resident program at a central campus facility located in Emmitsburg, Maryland, and through an outreach program which makes courses available at the State and local levels throughout the country. The directorate is headed by an Associate Director.

(a) The *Emergency Management Institute* provides training to emergency managers in four principal areas: national security, technological hazards, natural hazards, and emergency processes. EMI hosts national conferences and seminars on current emergency management issues.

(b) The *National Fire Academy* provides training in three areas: fire protection management; fire prevention and loss control (including arson investigation); and fire service technology. This training is targeted to fire service personnel and allied professionals.

(c) The *Office of Curriculum and Program Coordination and Evaluation* reviews, analyzes, and evaluates all National Emergency Training Center (NETC) curricula. By using various curriculum mapping strategies, the office reduces overlap in course content and assures curricula meet established priorities.

(d) The *Office of Administrative Support* oversees the daily management of the NETC. The office coordinates contractors, student services, personnel and facility operations, media production, and printing and reproduction. Other responsibilities

include management of the Directorate budget and other finance and contract operations.

§ 2.17 Federal Insurance Administration (FIA).

FIA administers three federal insurance programs: the National Flood Insurance Program, which currently insures about two million property owners against flood loss; the Federal Crime Insurance Program; and the Riot Reinsurance Program. The Administration is headed by an Administrator.

(a) *The Office of Insurance Operations* handles the day-to-day operations of the flood, crime, and riot insurance programs and provides guidance on program issues to contractual and fiscal agents operating these programs. This includes issuing policies, processing and paying claims, billing insurance premiums, and providing information on rates.

(b) *The Office of Policy Analysis and Technical Services* is responsible for overall policy and technical guidance on insurance matters, including the resolution of insurance coverage, interpretations, claims and underwriting appeals.

(c) *The Office of Insurance Support Services* operates an FIA program planning system and provides actuarial support services.

§ 2.18 United States Fire Administration (USFA).

USFA administers programs to reduce the nation's loss of life from fire and to achieve significant reductions in property loss and human injury from fire. The Administration is headed by an Administrator.

(a) *The Office of Fire Protection Engineering and Technology* encourages the development and use of automatic fire detection and suppression devices and works to improve code enforcement and firefighter safety and health. Federal regulatory agencies are assisted in developing fire-related regulations, and industry is assisted in directing research and development efforts.

(b) *The National Fire Data Center* collects, analyzes, and disseminates information on fires and manages the National Fire Incident Reporting System (NFIRS). NFIRS data help participating States and fire departments target, evaluate, and improve their own fire protection programs.

(c) *The Office of Fire Protection Management* coordinates all federal arson prevention and control programs and works to improve fire service management through technical assistance. This office operates a

nationwide system for the development and exchange of fire-related public education programs and materials.

§ 2.19 Office of the Inspector General (IG).

This office plans, supervises and coordinates internal and external audit and investigation activities relating to FEMA programs and operations. It recommends policies to promote efficiency and to prevent and detect fraud and abuse. Serves as the point of contact with Federal law enforcement agencies or law enforcement matters. This Office is headed by the Inspector General.

§ 2.20 Office of the General Counsel (GC).

This office provides legal advice to the Director and agency staff on FEMA duties, authorities, statutes, rules and regulations, and administrative procedure. It prepares and coordinates all Agency appearances in litigation or administrative proceedings and determines the agency legal position with respect to all matters. Reviews for legal sufficiency and transmits to Federal Register all regulations. This Office is headed by the General Counsel.

§ 2.21 Office of Program Analysis and Evaluation (PE).

This office provides information and analyses to the Director and Executive Deputy Director in support of their decision making and management activities.

§ 2.22 Regional offices.

The ten FEMA regional offices headed by Regional Directors are the primary source through which the Agency's policies and programs are determined at the State and local level. The Regional Directors are the FEMA Director's principal representatives in contacts and relationships with Federal regional, State and local agencies, industry and other public and private groups. They are responsible for accomplishing, within their regions, the national program objectives established by the Agency.

FEMA Locations

§ 2.30 FEMA headquarters.

The Office of the Director, FEMA, is located at Federal Center Plaza, 500 C Street, SW., Washington, D.C. 20472.

§ 2.31 FEMA regions.

The Offices of FEMA's Regional Directors are located as follows:

Region and Address

I. J. W. McCormack Post Office & Courthouse, 442 Post Office Square, Boston, MA 02109.

II. Jacob J. Javits Federal Building, 26 Federal Plaza, Room 1349, New York, NY 10278.

III. Curtis Building, 7th Floor, 625 Walnut Street, Philadelphia, PA 19106.

IV. Pershing Point Plaza, Suite 664, 1375 Peachtree Street, NE., Atlanta, GA 30309.

V. 300 S. Wacker Drive, 24th Floor, Chicago, IL 60606.

VI. Federal Regional Center, Room 206, Denton, TX 76201.

VII. Old Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

VIII. Federal Regional Center, Bldg. 710, Denver, CO 80225.

IX. 211 Main Street, Rm. 220, San Francisco, CA 94105.

X. Federal Regional Center, Bothell, WA 98011.

§ 2.32 National Emergency Training Center.

The National Emergency Training Center is located at Emmitsburg, Maryland 21727.

Subpart B—Delegations

General

§ 2.50 Purpose.

This subpart provides for the exercise of certain of the powers and the performance of certain of the duties which are vested by law in the Director, Federal Emergency Management Agency (FEMA), herein referred to as the Director, or which have been transferred to the Director by Reorganization Plan or delegated to the Director by Executive Order or other document.

§ 2.51 Exercise of authority.

Exercise of the authority delegated by this subpart or redelegated pursuant to this subpart is subject to the direction, control, and authority of the Director, and is governed by applicable laws, Executive Orders, Federal agency regulations or issuances applicable to FEMA. Such exercise is also governed by regulations issued by FEMA, and by policies, objectives, directives, manuals, instructions, plans, standards, procedures and limitations issued from time to time by or on behalf of the Director. Use of the authority is subject to required coordination with other FEMA officials.

§ 2.52 General limitations and reservations.

(a) All powers and duties not delegated by the Director in this subpart, nor otherwise provided for in Part 44, including § 2.53, which provides

for internal unpublished delegations, are reserved to the Director.

(b) The following specific authorities are reserved to the Director:

(1) Certain authorities relating to reporting to Congress and the President including those under:

(i) Section 16 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2215);

(ii) Section 1320 of the National Flood Insurance Act (42 U.S.C. 4027);

(iii) Section 1234 of the National Housing Act (42 U.S.C. 1749bbb-10d);

(iv) Section 406 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2258);

(v) Section 6 of the Earthquake Hazard Reduction Act of 1979 (42 U.S.C. 7705);

(vi) Section 2-105 of Executive Order 12148 dated July 20, 1979;

(2) Authorities connected with declaration of major disasters and emergencies, and with delegations to other agencies including:

(i) The authority to make recommendations to the President concerning the determination that an emergency exists pursuant to section 301(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5141(a));

(ii) The authority to make recommendations to the President concerning the issuance of a major disaster declaration pursuant to section 301(b) of the Disaster Relief Act of 1974 (42 U.S.C. 5141(b));

(iii) Provision is made in § 2.61 of this part for exercise of the authorities set out in this paragraph when the Director is unavailable.

(3) International preparedness functions.

(4) Authorities relating to voluntary agreements under Section 708 of the Defense Production Act (50 U.S.C. App. 2158) delegated to the Director in Section 501 of Executive Order 10480.

(5) Authority to sue and be sued under Section 402(c)(3) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(3)), applicable under Section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17).

(6) Authority to make the determination concerning federal operation of the program and the report to Congress under Section 1340 of the National Flood Insurance Act (42 U.S.C. 4071).

(7) Authority to be sued under Section 1341 of the National Flood Insurance Act (42 U.S.C. 4072).

§ 2.53 Delegations not included.

Other delegations of authority have been and will be made in other FEMA regulations and by internal FEMA directives which concern internal FEMA

policies and operations. These are valid delegations. Without in any way limiting the number of those delegations, and without describing all of them in this listing which is not complete, they include those:

(a) Concerning Federal personnel matters such as those concerning appointing authority, compensation, overtime, etc. These are considered internal personnel rules and are not published in this chapter but are published in a FEMA Instruction.

(b) To the General Counsel as Ethics Counselor under Part 3 of this subchapter relating to Standards of Conduct and review of financial disclosure statements.

(c) Those under parts 5 and 6 of this subchapter relating to the Freedom of Information Act and Privacy Act.

(d) To several officials relating to authentication of records under 44 CFR 5.82.

(e) To the General Counsel and Comptroller with respect to claims under part 11 of this subchapter.

(f) To classify information as Top Secret, Secret, or Confidential.

(g) To make certifications under the Regulatory Flexibility Act, 5 U.S.C. 605 (see 1 CFR 12(f)(3)).

(h) Those concerning environmental matters under Part 10 of this subchapter.

(i) Those concerning floodplain management and wetlands protection matters under Part 9 of this subchapter.

§ 2.54 Redelegation of authority.

(a) Authority delegated by this part, unless otherwise specifically provided, may be redelegated in whole or in part, provided any such redelegation is in writing and approved by the officer to whom the authority is initially delegated. This restriction does not apply to a temporary redelegation of authority to a deputy or assistant to be exercised during the officer's absence.

(b) The authority to issue regulations having general applicability and future effect designed to implement, interpret or prescribe law or policy, and which are to be published in the Federal Register may be delegated or redelegated only to positions for which it is required that the incumbent be confirmed by the Senate. This does not prohibit an acting official from issuing regulations.

§ 2.55 General delegations.

(a) This section sets forth general delegations to the officers or employees named in paragraph (b) of this section.

(b) The officers authorized to exercise authorities in paragraph (c) of this section are:

Federal Insurance Administrator

U.S. Fire Administrator
Associate Director, National Preparedness Programs
Associate Director, State and Local Programs and Support
Associate Director, Training and Education
Associate Director, Resource Management and Administration
Executive Administrator
Inspector General
General Counsel
Director, Office of Program Analysis and Evaluation
Regional Directors

(c) Each officer named in paragraph (b) of this section is authorized to:

(1) Approve official travel as temporary duty travel on official business and allowable expenses incidental thereto for employees of their respective organizational units, in accordance with the Federal Travel Regulations; except that travel to and from points outside of the Continental United States is subject to prior notification to the Director and foreign travel (i.e., travel outside the United States, its territories and possessions) is subject to prior approval of the Director. However, no officer or employee may approve his or her own travel. Travel of officers named in paragraph (b) of this section is approved by the Director or the Executive Administrator.

(2) Approve travel advances of funds through disbursing officers or imprest fund cashiers for employees of the respective organizational unit who are entitled to per diem or mileage allowance or subsistence expenses in accordance with the Federal Travel Regulations.

(3) Approve travel vouchers for employees of their respective organizational units.

(4) Issue proposed agency decisions on individual complaints of discrimination because of race, color, national origin, religion, sex or age.

(5) Promulgate internal issuances to cover areas of assigned responsibilities consistent with the policy with the policy prescribed.

(6) Approve training consisting less than \$1500 (all expenses) or training less than 80 hours in duration, whichever is the more restrictive except that, this authority does not include authority to approve training involving the use of facilities of foreign governments or international organizations which must be approved by the Director; or the authority to approve acceptance by employees of contributions or awards from non-Government organizations, whether in cash or in kind, which must be approved by the Director.

(7) Adjust working hours for individual employees when there is special justification therefor that it is in the interest of FEMA or to accommodate individual needs of employees for legitimate reasons where the work of the agency will not be impeded.

(8) Approve incentive awards to subordinates, Public Service Awards, cash awards up to \$1,000 for individuals and quality within-grade salary increases.

(9) Enter into and administer memoranda of understanding with respect to assigned duties.

§ 2.56 Designation of subordinates to act.

Each officer named in § 2.55(b) is authorized to:

(a) Designate one or more subordinate employees to act for such officer during his or her absence.

(b) Designate one or more subordinate employees to serve as acting head of an organizational unit under the officer during the absence of the head of a unit or during a vacancy in the position.

Delegations to Specific Officers

§ 2.60 Deputy Director (Reserved).

§ 2.61 Associate Director, State and Local Programs and Support (SLPS)

Except as otherwise provided in this chapter, the Associate Director, SLPS, is authorized:

(a) To exercise the authorities of the Director pursuant to 4-106, 4-107, 4-201, and 4-202, of Executive Order 12148 of July 20, 1979.

(b) Except as provided in paragraph (c), exercise the authorities of the Director pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5121 *et seq.*) which were delegated to the Director by Executive Order 12148 of July 20, 1979. See Section 4-203. Excluded from this delegation are those functions vested in the President by section 301 (relating to the declaration of emergencies and major disasters), section 401 (relating to the repair, reconstruction, restoration or replacement of Federal facilities), and section 409 (relating to food coupons and surplus commodities), which authorities were not delegated to the Director.

(c) The following authorities are excluded from the delegation in paragraph (b) of this section and are delegated to other officers of FEMA or are reserved to the Director:

(1) The authority to make recommendations to the President concerning the determination that an emergency exists pursuant to section 301(a) of the Act. See § 2.52(b)(2)(i).

(2) The authority to make recommendations to the President

concerning the issuance of a major disaster declaration pursuant to section 301(b) of the Act. See § 2.52(b)(2)(ii).

(d) In the event that the Director of FEMA, is unavailable, the authority to make the recommendations referred to in paragraphs (c)(1) and (c)(2) of this section, shall be exercised by the Deputy Director FEMA. If both the Director and the Deputy Director are unavailable, said authority shall be exercised by the Associate Director for State and Local Programs and Support.

(e) To exercise the power and authority of the Director of FEMA, as head of a Federal agency with respect to sections 302(b), 306(a) and 309 of the Disaster Relief Act of 1974 except that the authority in Section 309(b) (1) and (2) shall be conducted through the Office of Personnel.

(f)(i) To review, approve, withdraw approval, and publish notice of actions with respect to radiological emergency preparedness plans submitted to FEMA.

(ii) To exercise the authority delegated the Director by Executive Order 12241 concerning the National Contingency Plan developed under section 304 of Pub. L. 96-295.

(g) Coordinate functions of the President under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (called the Act in this Section 2.51(g)) which were delegated to the Director by Executive Order 12316 of August 14, 1981. This includes:

(i) Functions vested in the President by section 101(24) of the Act to the extent they require a determination that permanent relocation of residents and businesses and community facilities is included within the term "remedy" or "remedial action" as defined in the Act;

(ii) Functions vested in the President by section 104(a) of the Act to the extent they require permanent relocation of residents, businesses, and community facilities, or temporary evacuation and housing of threatened individuals not otherwise provided for;

(iii) Functions under section 104(c), (d), (e), (f), and (g) of the Act to the extent delegated by section 2(f) of Executive Order 12316.

(h) Exercise the following authorities contained in the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 *et seq.*).

(i) Determine that flood insurance is available in those States or areas which the Associate Director, SLPS, has determined have:

(A) Evidenced a positive interest in securing flood insurance coverage under the flood insurance program;

(B) Given satisfactory assurance that adequate land use and control measures have been adopted for the State or area (or subdivision) which are consistent with the comprehensive criteria for land management and use developed under section 1361 (of the National Flood Insurance Act of 1968), and that the application and enforcement of such measures will commence as soon as technical information on floodways and on controlling flood elevations is available; and

(C) Adopted, by act of an appropriate public body, adequate land use and control measures (with effective enforcement provisions) consistent with the comprehensive criteria for land management and use under section 1361 (42 U.S.C. 4012(c), 4022);

(ii) Determine for purposes of subsection 1307(e) of the National Flood Insurance Act of 1968, that adequate progress is being made in the construction of a flood protection system (42 U.S.C. 4014(e));

(iii) Find that property has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of certain State and local laws described in section 1316 (42 U.S.C. 4023);

(iv) Consult with other departments and agencies of the Federal Government, and with interstate, State, and local agencies as authorized by section 1317 (42 U.S.C. 4024);

(v) Exercise the authorities of the Director, FEMA, contained in Chapter III, sections 1360-63, of the National Flood Insurance Act of 1968, as amended, entitled "Coordination of Flood Insurance with Land Use Programs in Flood Prone Areas"; except that the authority under 1360(a)(2) to make estimates with respect to the rates of probable flood-caused loss is excluded from this delegation (42 U.S.C. 4101-4104);

(vi) Exercise the functions of the Director, FEMA, under sections 201 and 206 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4105, 4107);

(vii) Issue rules and regulations pertaining to the delegations in (i)-(vi) above, pursuant to section 205 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4128);

(i) Exercise the authority of the Director with respect to the consultation function under Section 2(d) of Executive Order 11988, Floodplain Management, as amended.

(j) In connection with assigned functions, exercise the following authorities of the Director under the

Federal Civil Defense Act of 1950, as amended:

(1) Authority under section 201(c) and (b) of the Act except that the authority to delegate civil defense responsibilities to the departments and agencies is reserved.

(2) Those under section 201(v) and (d);

(3) Those under section 201(g) relating to interstate compacts;

(4) Maintenance and distribution of radiological equipment and detection devices under the fourth proviso of section 201(h);

(5) Those under section 201(i);

(6) Those under section 204;

(7) Those under section 205;

(8) Those under section 207 (this section relates to dual use).

(9) Except for subsections (a), (b) and (f) authorities under section 401 of the Act.

(k) Exercise the authority of the Director pursuant to the Earthquake Hazards Reduction Act of 1977, including any delegated by Executive Order 12148 of July 20, 1979.

(l) Exercise the authority of the Director concerning coordination of efforts to promote dam safety pursuant to section 2-103 of Executive Order 12148 of July 20, 1979.

(m) To carry out hazard mitigation and floodplain management assigned functions, exercise authorities under the National Flood Insurance Act of 1968 to conduct studies and research.

§ 2.62 Reserved.

§ 2.63 Associate Director, National Preparedness Programs (NPP).

Except as otherwise provided in this part, the Associate Director for National Preparedness Programs is authorized to exercise the authority of the Director:

(a) Concerning research; this includes but is not limited to authorities under section 201(a)(6) and (7) of the Disaster Relief Act of 1974, and section 201(d) of the Federal Civil Defense Act of 1950, as amended.

(b) Concerning planning and preparedness to reduce the consequences of major terrorist incidents under section 2-103 of Executive Order 12148.

(c) Pursuant to section 1-103 of Executive Order 12148 of July 20, 1979, as amended, including authorities delegated pursuant to the following Executive Orders.

(1) Executive Order 10421 relating to physical security of defense facilities.

(2) Executive Order 10480 relating to administration of the Defense Mobilization Program.

(3) Executive Order 10582 concerning the Buy-American Act.

(4) Executive Order 11179 concerning the Executive Reserve.

(5) Executive Order 11912 concerning energy.

(6) Executive Order 12046 concerning telecommunications.

(7) Executive Order 11490 assigning emergency preparedness responsibilities to Federal Departments and Agencies.

(d) Pursuant to the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98b and 50 U.S.C. 98h-2 which were delegated to the Director by Executive Order 12155 of September 10, 1979, as amended.

(e) Pursuant to section 4(h) of the Commodity Credit Corporation Charter Act as amended (15 U.S.C. 714b(h) and by section 204(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(f) which functions were delegated to the Director by sections 205 and 206 of Executive Order 12148 of July 20, 1979, as amended by Executive Order 12155.

(f) Pursuant to sections 103 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404 and 405). See Section 4-102 of Executive Order 12148.

(g) In connection with assigned functions, exercise the authority of the Director under sections 201, 401, and Title V of the Federal Civil Defense Act of 1950, as amended.

§ 2.64 Federal Insurance Administrator (FIA).

(a) Except as otherwise provided in this chapter, the Federal Insurance Administrator is authorized to exercise the power and authority of the Director, with respect to the National Insurance Development Program under Title XII of the National Housing Act (12 U.S.C. 1749bbb, *et seq.*).

(b) The authorities in this paragraph (b) of this section are excluded from the delegation in paragraph (a) of this section and are delegated to other officials of FEMA or are reserved to the Director.

(1) Establish and administer the National Insurance Development Fund under section 1243 of the National Housing Act (12 U.S.C. 1749bbb-13). See § 2.67(a)(18)(i).

(2) Audit the records of insurers or others under section 1244(d) of the National Housing Act (12 U.S.C. 1749bbb-14). See § 2.70(a)(7)(ii).

(3) Exercise the powers with respect to the business type budget under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1249a(a)), applicable under section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17). See § 2.67(a)(18)(iv).

(4) Sue and be sued under section 402(c) of the Housing Act of 1950 (12

U.S.C. 1749a(c)(3)), applicable under section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17). See § 2.52(b)(5).

(5) Report to Congress and the President under section 1234 of the National Housing Act (12 U.S.C. 1749bbb-10d). See 2.52(b)(1)(iii).

(c) Except as otherwise provided in this part, the Federal Insurance Administrator is authorized to exercise the authority of the Director with respect to the National Flood Insurance Program (NFIP) under section 15(e) of the National Flood Insurance Act of 1956 (42 U.S.C. 2414(e)) and the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 *et seq.*).

(d) The authorities in this paragraph (d) are excluded from the delegations in paragraph (c) of this section and are delegated to other officials of FEMA or are reserved to the Director.

(1) Borrow funds from the Treasury under section 15(e) of the National Flood Insurance Act of 1956, as amended and under section 1309 of the National Flood Insurance Act (42 U.S.C. 2414(e) and 4016). See § 2.67(a)(18)(ii).

(2) Establish and administer the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act (42 U.S.C. 4017). See § 2.67(a)(18)(iii).

(3) Report on program operation, in a biennial report to the President, under section 1320 of the National Flood Insurance Act (42 U.S.C. 4027). See § 2.52(b)(1)(ii).

(4) Make the determination concerning federal operation of the program and the report to Congress under section 1340 of the National Flood Insurance Act (42 U.S.C. 4071). See § 2.52(b)(6).

(5) Be sued under section 1341 of the National Flood Insurance Act (42 U.S.C. 4072). See § 2.52(b)(7).

(6) Audit and examine the records of flood insurance pools and insurance companies or other private organizations under section 1348(b) of the National Flood Insurance Act (42 U.S.C. 4084(b)). See § 2.70(a)(iii).

(7) Determine that flood insurance is available in those States or areas which the Associate Director, SLPS, has determined have:

(i) Evidenced a positive interest in securing flood insurance coverage under the flood insurance program;

(ii) Given satisfactory assurance that adequate land use and control measures have been adopted for the State or area (or subdivision) which are consistent with the comprehensive criteria for land management and use developed under

section 1361 (of the National Flood Insurance Act of 1968), and that the application and enforcement of such measures will commence as soon as technical information on floodways and on controlling flood elevations is available; and

(iii) Adopted, by act of an appropriate public body, adequate land use and control measures (with effective enforcement provisions) consistent with the comprehensive criteria for land management and use under section 1361 (42 U.S.C. 4012(c), 4022). See § 2.61(h).

(8) Determine for purposes of subsection 1307(e) of the National Flood Insurance Act of 1968, that adequate progress is being made in the construction of a flood protection system (42 U.S.C. 4014(e)). See § 2.61(h).

(9) Find that property has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of certain State and local laws described in section 1316 (42 U.S.C. 4023). See § 2.61(h).

(10) Consult with other departments and agencies of the Federal Government, and with interstate, State, and local agencies as authorized by section 1317 (42 U.S.C. 4024). See § 2.61(h).

(11) Exercise the authorities of the Director, FEMA, contained in Chapter III, sections 1360-63, of the National Flood Insurance Act of 1968, as amended, entitled "Coordination of Flood Insurance with Land Use Programs in Flood Prone Areas"; except that the authority under 1360(a)(2) to make estimates with respect to the rates of probable flood-caused loss is excluded from this delegation (42 U.S.C. 4101-4104). See § 2.61(h).

(12) Exercise the functions of the Director, FEMA, under sections 201 and 206 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4105, 4107). See § 2.61(h).

(13) Issue rules and regulations pertaining to the delegations in (7)-(12) above, pursuant to section 205 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4128). See § 2.61(h).

§ 2.65 United States Fire Administrator (USFA).

(a) Except as otherwise provided in this subpart, including subsection (b), of this section, the Administrator, United States Fire Administration, is authorized to exercise the authorities contained in sections 1 through 27 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 *et seq.*). This delegation does not include those under sections 18 and 23 which were not transferred to the Director by

Reorganization Plan No. 3 of 1978 nor those under repealed section 25.

(b) The authorities contained in sections 7, 16 and 21(c) of the Federal Fire Prevention and Control Act of 1974, are excluded from the delegation in paragraph (a) of this section and are reserved to the Director or delegated to other officials of FEMA. See § 2.52(b)(1)(i), 2.66(c), and § 2.70(a)(6)(i).

§ 2.66 Associate Director, Training and Education (T&E).

The Associate Director for Training and Education is authorized to exercise the authority of the Director with respect to training and education matters. This includes but is not limited to:

(a) Section 201(e) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(e)) including, but not limited to, authority to approve requests for reimbursement and related documents for obligation of payment of travel and per diem expenses of students under subsection 201(e).

(b) Training under section 201(a)(2) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5131(a)(2)).

(c) Sections 7 and 21(b)(2) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206) except that the authorities contained in paragraphs (a), (b) and (g) of section 7 shall be exercised only with the prior approval of the Director and the authority in subsections 7 (c)(2) and (c)(4) shall be conducted through the Office of Personnel.

§ 2.67 Associate Director, Resource Management and Administration (RM).

(a) The Associate Director for Resource Management and Administration is authorized to exercise any authority of the Director to:

(1) Approve requisitions for disbursing funds, reports of current accounts rendered by disbursing officers, and other financial and accounting documents involving FEMA, the General Accounting Office, and the Department of the Treasury, and Office of Management and Budget.

(2) Certify to the General Accounting Office (GAO) any charge against any officer or agent entrusted with public property, arising from any loss and accruing by his fault, to the Government as to the property so entrusted to him.

(3) Make determinations concerning performance of service, the periods of such service, and the amounts of remuneration for social security purposes.

(4) Authorize officers and employees to certify vouchers.

(5) Approve apportionment and reapportionment requests; reports on appropriation accounts; and reports on status of apportionments for corporations and enterprises.

(6) Approve reports on budget status, obligation basis, and accrual basis, as required by the Antideficiency Act.

(7) Waive, deny, or refer to GAO, claims of the United States against FEMA employees for erroneous payment of pay of not more than \$200.

(8) Issue primary allowances to Associate Directors, Administrators, Office Directors or equivalent, and Regional Directors.

(9) Receive and credit amounts received to the applicable appropriation of FEMA or to the miscellaneous receipts account.

(10) Request cashier designation and resolution from the Department of the Treasury, and designate persons to serve in FEMA.

(11) Maintain official FEMA payroll, retirement, leave and travel records.

(12) Manage records and files within FEMA, including records creation, organization, maintenance, and disposal. Place advertisements in newspapers pursuant to 44 U.S.C. 3702.

(13) Assign and reassign real and personal property other than contributions loan property within FEMA. Exercise authority under section 201(j) of the Federal Civil Defense Act of 1950, as amended.

(14) Provide for accountability for property.

(15) Issue determinations of excess property other than contributions loan property and transfer of same as required.

(16) (i) Approve travel and expenses incurred pursuant to relocation of the duty station of a FEMA employee.

(ii) Approve invitational travel.

(17) Provide for space management.

(18) (i) Establish and administer the National Insurance Development Fund under section 1243 of the National Housing Act (12 U.S.C. 1749bbb-13).

(ii) Borrow funds from the Treasury under section 15(e) of the National Flood Insurance Act, and under section 1309 of the National Flood Insurance Act (42 U.S.C. 2414(e) and 4016).

(iii) Establish and administer National Flood Insurance Fund under section 1310 of the National Flood Insurance Act (42 U.S.C. 4017).

(iv) Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)) relating to submission of a business type budget applicable under section 1247, the National Housing Act (12 U.S.C. 1749bbb-17).

(19) Appoint uniformed guards at the Special Facility as special police of the Federal Emergency Management Agency pursuant to Pub. L. 80-566, as amended, 40 U.S.C. 318 and a delegation from the Administrator of General Services.

(20) Make provisions for transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632.

(21) In connection with the performance of assigned functions,

(i) Providing telecommunications and data processing systems, and

(ii) In operating the Special Facility, exercise authorities in sections 201 and 401 of the Federal Civil Defense Act, section 202 (a), (c) and (d) of the Disaster Relief Act of 1974, and sections 1-101, 1-103, 4-102, 4-103, and 4-104 of Executive Order 12148.

(22) (i) Exercise authority under section 104(h) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 delegated the Director by section 2(f) of Executive Order 12316.

(ii) Exercise authority of the Director concerning extraordinary contractual actions under paragraph 21 of Executive Order 10789.

(23) Conduct activities pursuant to section 203 of Reorganization Plan No. 3 of 1978 as further amplified in section 1-103(b) and 1-105 of Executive Order 12127 of March 31, 1979 (Emergency Broadcast System).

(24) (i) Make purchases and contracts by advertising for equipment and supplies, administrative equipment, office supplies, professional services, transportation of persons and property, and nonpersonal services, and determine that the rejection of all bids is in the public interest.

(ii) Negotiate purchases and contracts for equipment and supplies, professional services, transportation of persons and property, and non-personal services without advertising; and make and issue determinations related thereto pursuant to Section 302(c) (1)-(10), (14) and (15) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c) (1)-(10), (14) and (15)) and 40 U.S.C. 541-544 with respect to contracting for the services of Architects Engineers.

(iii) Make purchases and contracts for the procurement of printing and binding services in accordance with the current Government Printing and Binding Regulations of the Joint Committee on Printing and Title 44 of the United States Code.

(iv) Enter into and administer Interagency Agreements under the

Economy Act or any other such agreement involving obligation of funds.

(b) Notwithstanding any general delegation of authority in this part to another officer of FEMA, if the authority delegated in the general delegation contains procurement authority that authority is delegated to the Associate Director, Resource Management and Administration, with authority to redelegate to any employee of FEMA. As used in this paragraph (b) the term "procurement" includes: Acquisition from a recipient, including a State or local government, of property or services for the direct benefit or use of the Federal Government. This includes authority under section 201(h) of the Federal Civil Defense Act but excludes authority under section 1362 of the National Flood Insurance Act.

(c) Notwithstanding any general delegation of authority in this part to another officer of FEMA, other than the delegation to Regional Directors under § 2.71, if the authority delegated contains authority to award discretionary grants that authority is delegated to the Associate Director, Resource Management and Administration, who is authorized to exercise the authority of the Director with respect thereto. The Associate Director, Resource Management and Administration, may redelegate this authority to any employee of FEMA. Discretionary grants include those instruments which are awarded to a selected or limited number of recipients deemed best qualified based upon criteria designed for the conduct of a specific project. This can include governments. Discretionary grants do not include those awarded to recipients for which: (1) The recipient or class of recipient is mandated by legislation or regulation; (2) the amount of the instrument or the amount of the program is established by legislation and discretion in the award process is limited; or (3) there is no choice in the purpose of the award or whether to make the award. The delegation to the Regional Directors under § 2.71 to implement various programs is not affected by this delegation to the Associate Director, Resource Management and Administration.

(d) The Associate Director, Resource Management and Administration, is designated the FEMA senior official responsible under 44 U.S.C. 3506 for FEMA implementation of the Paperwork Reduction Act of 1980.

§ 2.68 [Reserved].

§ 2.69 General Counsel (GC).

The General Counsel is authorized to exercise the authorities of the Director to:

(a) Accept service of process on behalf of the Agency and its officials.

(b) Determine the agency's position with respect to litigation and refer matters directly to the Attorney General for prosecution or the initiation of litigation.

(c) Determine the government's position in connection with any dispute before a Board of Contract Appeals, including the authority to settle or adjust any such claim.

(d) Consider, compromise and settle tort claims against FEMA, but any award, compromise, or settlement of more than \$25,000 requires the prior written approval of the Attorney General or designee. See 44 CFR Part 11.

(e) Serve as the Agency Ethics Counselor.

(f) Make technical corrections to all FEMA documents, including rules and regulations submitted to the Federal Register.

(g) Consider, compromise and settle personnel claims of less than \$15,000 against FEMA.

§ 2.70 Inspector General (IG).

(a) The Inspector General is authorized to exercise any authority of the Director with respect to:

(1) Auditing the accounting, financial, and other operations of FEMA, including grants, contracts, cooperative agreements and other expenditures of funds, and obtaining information relating to the effectiveness of those operations, grants, contracts, cooperative agreements and expenditures.

(2) Auditing the books and records of grantees of FEMA and contractors doing business with FEMA, or of subcontractors or subgrantees as appropriate and obtaining information relating to the effectiveness of those operations, grants, contracts, cooperative agreements and expenditures.

(3) Authorizing officers and employees having investigatory functions, while engaged in the performance of their duties in conducting investigations, to administer oaths.

(4) Taking possession from FEMA employees of any official FEMA documents, including, but not limited to, books, and workpapers necessary to conduct investigations.

(5) Conducting those investigations necessary to complete security determinations in connection with requirements, as specified in Executive Order 10450, of April 27, 1953, and by Executive Order 12065 of June 28, 1978, as amended.

(6) Carrying out certain authorities specifically reserved from the delegations to the United States Fire Administrator in § 2.65 and to the Federal Insurance Administrator in § 2.64 as follows:

(i) Auditing pursuant to section 21(c) of the Federal Fire Prevention and Control Act of 1974, as amended.

(ii) Auditing the records of insurers or others under section 1244(d) of the National Housing Act (12 U.S.C. 1749bbb.14).

(iii) Auditing and examining the records of flood insurance pools and insurance companies or other private organizations under section 1348(b) (42 U.S.C. 4084(b)).

(7)(i) Investigations of allegations of specific instances of wrongdoing, waste or malfeasance on the part of any FEMA employee, any contractor or subcontractor doing business with FEMA, any grantee or other person who may be involved in FEMA activities.

(ii) Investigations of any fraudulent request for assistance, request for insurance, or fraudulent claim against FEMA by any person.

(iii) Any subpoena power for the collection of information.

(8) Making referrals to the Department of Justice under 28 U.S.C. 535.

(b) Notwithstanding any general delegation of statutory authority to another officer of FEMA, if such authority delegated in the general delegation contains an audit authority, that authority is delegated to the Inspector General.

§ 2.71 Regional Directors.

(a) Except as otherwise provided in this part, each Regional Director is authorized to exercise the authority of the Director, FEMA, pursuant to the provisions of sections 1-102, 4-201, and 4-202 of Executive Order 12148 of July 20, 1979.

(b) Except as otherwise provided in this part, and in accordance with program guidance from the responsible FEMA Program Director, each Regional Director is authorized to exercise the authority of the Director pursuant to the Disaster Relief Act of 1974, which were delegated to the Director by section 4-203 of Executive Order 12148 of July 20, 1979.

(c) The following authorities are excluded from the delegation under paragraph (b) of this section and are

delegated to other officials of FEMA or are reserved to the Director:

(1) The authority to issue rules and regulations pursuant to the Disaster Relief Act of 1974.

(2) The authority to make recommendations to the President concerning the determination that an emergency exists pursuant to section 301(a) of the Act.

(3) The authority to make recommendations to the President concerning the issuance of a major disaster declaration pursuant to section 301(b) of the Act.

(4) The authority contained in section 407 of the Act concerning unemployment assistance.

(5) The authority to appoint a Federal Coordinating Officer pursuant to section 303 of the Act.

(6) The authority to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service and other relief or disaster assistance organizations pursuant to section 312(b) of the Act.

(7) The authority to determine that a State plan of self-insurance is satisfactory pursuant to section 314 of the Act.

(8) The authority to approve a community disaster loan pursuant to section 414 of the Act.

(9) The authority to provide assistance for the suppression of fires pursuant to section 417 of the Act.

(d) Each Regional Director is authorized to exercise the power and authority of the Director, FEMA, with respect to sections 201(d), 302(b), 306(a), and 309 of the Disaster Relief Act of 1974 except that the authority in section 309(b) (1) and (2) shall be conducted through the Office of Personnel.

(e) Each Regional Director is authorized to exercise the authorities of the Director, FEMA, with respect to:

(1) Approval, disapproval, modification or amendment of request from the States related to financial contributions for civil defense materials and facilities and personnel and administrative expenses pursuant to sections 201(i) and 205 of the Federal Civil Defense Act of 1950, as amended.

(2) Conduct of programs for the States, designated by the Associate Director for State and Local Programs under the Federal Civil Defense Act of 1950 as amended including execution of the necessary document to implement and conduct the program.

(f) In exercising any authority delegated to them, the Regional Directors shall coordinate (to the maximum extent practicable) technical matters and routine actions with

appropriate program officials on the staffs of the various Administrators, Associate Directors, General Counsel, Inspector General or Office Directors who shall render policy guidance and program direction.

(g) Each Regional Director is authorized to accept service of process on behalf of the agency and its officials. Upon so doing, the Regional Director shall notify the General Counsel as soon as possible.

(h) Each Regional Director is authorized to approve reimbursement to the extent appropriated funds are available for obligation by the Regional Director, for expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness, provided:

(1) that the Appropriations Act for the fiscal year in which the obligation is incurred contains the same authorizing language that is found in Pub. L. 96-103 with respect to such travel, and

(2) that the authority exercised under this delegation is subject to the Federal Travel Regulations and per diem rates as may from time-to-time be established by the Administrator of General Services.

Dated: March 12, 1982.

L. O. Giuffrida,

Director, Federal Emergency Management Agency.

[FR Doc. 82-7943 Filed 3-19-82; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 619

Preemption of State Authority Under Section 306(b) of the Magnuson Fishery Conservation and Management Act

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

ACTION: Interim final regulations.

SUMMARY: NOAA promulgates rules which interpret section 306(b) of the Magnuson Fishery Conservation and Management Act and specify the procedures governing the formal adjudicatory hearings specified in section 306(b). These rules apprise interested parties of NOAA's interpretations and procedures in the event that it becomes necessary to preempt State fishery management authority if State action or inaction

adversely affects Federal implementation of Fishery Management Plans. NOAA also solicits comments on the rules.

DATE: These rules are effective as interim rules. Comments must be submitted on or before April 21, 1982.

ADDRESS: Comments should be sent to the NOAA Office of General Counsel (GCF), Room 404, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Frederick D. Kyle, 202-634-7486.

SUPPLEMENTARY INFORMATION: Section 306(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1856(b)) authorizes the Secretary of Commerce to apply Federal regulations to State waters (other than internal waters) if he finds certain facts in a formal adjudicatory hearing. This statutory provision supplements, but does not substitute for, the Constitutional doctrine of Federal Supremacy—that State laws which conflict with Federal regulations, or which proscribe activities permitted by Federal regulations, are superseded by those Federal regulations.

NOAA promulgates these rules to govern preemption hearings under section 306(b) when required. The rules accomplish two purposes. First, they interpret key statutory phrases (such as "predominately" and "substantially affects") regarding the factual findings for Federal preemption of State authority. Second, the rules set forth the procedures by which the process is governed, from commencement of the hearing through reinstatement of State authority. Certain of these procedures (e.g., commencement of the proceeding, personal decision by the Secretary, and reinstatement of State authority) are unique to preemption hearings. Procedures governing the actual conduct of formal adjudicatory hearings, however, are not unique to preemption hearings. With respect to the latter procedures, NOAA utilizes its previously published Hearing and Appeal Procedures, 15 CFR Part 904, Subpart C (46 FR 61653), with certain exceptions, (regarding sections not applicable to preemption hearings) to ensure uniformity of procedures in all its formal adjudicatory hearings.

Classification

NOAA promulgates these rules as interim final rules on the authority of 5 U.S.C. 553(b), which excepts interpretative and agency practice rules from notice-and-comment procedures. Nonetheless, NOAA solicits comments on these rules from interested parties

and will review them in light of the comments.

NOAA has determined that these rules, which interpret statutory provisions and prescribe procedures, are not "major" rules as defined in Executive Order 12291. These rules are not subject to requirements of the Regulatory Flexibility Act, and contain no collection of information requirements for purposes of the Paperwork Reduction Act of 1980. These regulations prescribe agency procedures and thus constitute a "categorical exclusion" from the requirements of the National Environmental Policy Act of 1969.

Dated: March 16, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, a new Part 619 is added to 50 CFR, Chapter VI, to read as follows:

PART 619—PREEMPTION OF STATE AUTHORITY UNDER SECTION 306(b)

Sec.

- 619.1 Purpose and scope.
- 619.2 General policy.
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Authority: 16 U.S.C. 1856(b)

§ 619.1 Purpose and scope.

The rules in this part, together with the requirements of 5 U.S.C. 554-557, prescribe procedures for the conduct of preemption hearings under section 306(b) of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1856(b). These rules are issued by the Secretary of Commerce pursuant to the authority of section 305(g) of the Act and the requirement of 5 U.S.C. 552(a)(1)(C).

§ 619.2 General policy.

It is the policy of the Secretary of Commerce that preemption proceedings will be conducted expeditiously. The administrative law judge and counsel or other representative for each party are encouraged to make every effort at each stage of the proceedings to avoid delay.

§ 619.3 Definitions.

As used in this part, unless the context clearly requires otherwise:

Act means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*

Administrator means the Administrator, National Oceanic and Atmospheric Administration (NOAA), or any person to whom the Administrator's authority has been delegated.

Assistant Administrator means the Assistant Administrator for Fisheries, NOAA, or any person to whom the Assistant Administrator's authority has been delegated.

Council means any appropriate Regional Fishery Management Council established under Title III of the Act.

Party to the proceeding means the Assistant Administrator and each State served with a notice of proposed preemption (as represented by such State's Attorney General or other official representative).

Secretary means the Secretary of Commerce.

State means any State or States, as defined in Section 3(21) of the Act, with respect to which action is taken under this part.

§ 619.4 Factual findings for Federal preemption.

(a) The two factual findings for Federal preemption of State management authority over a fishery are:

(1) The fishing in a fishery, which is covered by a fishery management plan implemented under the Act, is engaged in predominately within the fishery conservation zone (FCZ) and beyond such zone; and

(2) A State has taken an action, or omitted to take an action, the results of which will substantially and adversely affect the carrying out of such fishery management plans.

(b) *Definitions.* In addition to definitions contained in section 3 of the Act, terms used in this section have the following meanings:

Predominately means, with respect to fishing in a fishery, that more fishing on the stock or stocks of fish covered by the fishery management plan occurs, or would occur in the absence of regulation, within or beyond the FCZ than within the boundaries of all States off the coasts of which the fishery is conducted. Whether fishing is engaged in "predominately" within or beyond the FCZ shall be determined after consideration of relevant factors, including but not limited to:

(1) The catch (based on numbers, value or weight of fish caught, or other relevant factors) or fishing effort during the appropriate period,

(2) In light of historical patterns of the distribution of catch or fishing effort for such stock or stocks of fish.

State action or omission that affects a fishery covered by a fishery management plan includes a State's statutes, conservation and management regulations, judicial decisions, policies, and enforcement practices, or the lack thereof.

Substantially (affects). Whether or not a State's action or omission will substantially affect the carrying out of a fishery management plan (FMP) for a fishery is determined after consideration of relevant factors, including but not limited to:

- (1) The similarity or dissimilarity between:
 - (i) The goals, objectives, or policies of the State's action or omission and the management goals or objectives specified in the FMP for the fishery, or
 - (ii) The State and Federal conservation and management measures for the fishery;
- (2) The effect of the State's action or omission upon:
 - (i) The achievement of the FMP's goals or objectives for the fishery;
 - (ii) The achievement of optimum yield from the fishery on a continuing basis;
 - (iii) The attainment of the national standards for fishery conservation and management (as set forth in section 301(a) of the Act) and compliance with other applicable law; and
 - (iv) The enforcement of regulations implementing the FMP;
- (3) The proportion of the total fishery (stock or stocks of fish and fishing for such stocks) that occurs or has occurred within the boundaries of such State, or that is subject to the effects of a particular State's action or omission; and
- (4) The characteristics and status (including migratory patterns and biological condition) of the stock or stocks of fish in the fishery.

§ 619.5 Commencement of proceedings.

(a) *Notice of proposed preemption*. The Assistant Administrator may, if deemed necessary, initiate a proceeding under this part by issuing a notice of proposed preemption to the Governor and Attorney General of the State concerned. The notice shall contain:

- (1) A recital of the legal authority and jurisdiction for instituting the proceeding;
- (2) A concise statement of the § 619.4 factual findings for Federal preemption upon which the notice is based;
- (3) The time, place, and date of the hearing; and
- (4) Any regulations which the Assistant Administrator proposes to apply or promulgate with respect to fishing within the boundaries of the State.

(b) *Response*. The State shall have the opportunity to respond in writing to the notice of proposed preemption.

(c) *Amendment*. The Assistant Administrator may, at any time prior to the hearing, amend or withdraw the notice of proposed preemption. At the discretion of the administrative law judge, the Assistant Administrator may, after the hearing has begun but before the record is closed, amend or withdraw the notice of proposed preemption.

(d) *Proposed regulations*—(1) *In general*. If additional regulations are required to govern fishing within the boundaries of a State, the Assistant Administrator shall publish proposed regulations in the **Federal Register** concurrently with issuing the notice indicated in paragraph (a) of this section.

(2) *Emergency actions*. Nothing in this section shall prevent the Secretary from taking emergency action under section 305(e) of the Act.

§ 619.6 Rules pertaining to the hearing.

The civil procedure rules of the National Oceanic and Atmospheric Administration currently set forth in 15 CFR Part 904, Subpart C, (or as subsequently amended), apply to the course of the hearing subsequent to commencement of the proceeding (pursuant to § 619.5) and prior to administrative appeal (§ 619.7), *except* that the following sections shall not apply:

- 15 CFR 904.201 (Definitions);
- 15 CFR 904.206(a)(1) (Duties and powers of Judge); and
- 15 CFR 904.272 (Administrative review of decision).

§ 619.7 Administrative appeal.

(a) *Right of appeal*. Within twenty (20) days after receiving the recommended decision, either party may appeal the decision to the Administrator. Any such appeal shall be made in writing and shall include a concise explanation of any factual or legal errors the party believes were made by the administrative law judge, and any alternative findings the party proposes that the Administrator make. A copy of the appeal shall be sent to the opposing party.

(b) *Response*. The opposing party shall have ten (10) days from receipt of a copy of the appeal in which to respond in writing. There shall be no further right of reply.

(c) *Administrator's authority*. Upon consideration of any such appeal, and response thereto, the Administrator may, on the basis of the hearing record and any materials submitted with respect to the appeal:

(1) Remand the case to the administrative law judge for such further proceedings as may be appropriate, along with a statement of reasons for the remand;

(2) Reserve decision on the merits or withdraw the notice of proposed preemption; or

(3) Accept or reject any of the findings or conclusions of the administrative law judge and submit a recommendation to the Secretary.

(d) *Recommendation to the Secretary*. If no appeal is filed, the Administrator shall promptly certify the hearing record and a recommendation to the Secretary. If an appeal is filed and the Administrator acts pursuant to paragraph (c)(3) of this section, the Administrator shall promptly certify the hearing record, any appeal record and his recommendation to the Secretary.

§ 619.8 Secretary's decision.

(a) *Secretary's authority*. Based upon the hearing record, any appeal record, and the Administrator's recommendation, the Secretary shall decide whether the factual findings exist for Federal preemption of a State's authority within its boundaries (other than in internal waters) with respect to the fishery in question, or whether to remand the case to the Administrator for further proceedings as may be appropriate.

(b) *Notification*. (1) If the Secretary determines that the factual findings for Federal preemption exist, he shall notify in writing the Governor of that State and the appropriate Council of his preemption of that State's authority. The Secretary shall also direct the Administrator to promulgate appropriate regulations proposed pursuant to § 619.5(d), and otherwise to begin regulating the fishery within the State's boundaries.

(2) If the Secretary determines that the factual findings for Federal preemption do not exist, he shall notify in writing the Governor of that State and the appropriate Council of his determination. The Secretary shall also direct the Administrator to issue a notice withdrawing the regulations proposed pursuant to § 619.5(d).

§ 619.9 Application for Reinstatement of State authority.

(a) *Application or Notice*. At any time after the promulgation of regulations under § 619.8(b)(1) to regulate a fishery within a State's boundaries, the affected State may apply to the Secretary for reinstatement of State authority, or the Secretary may of his own initiative serve upon such State a notice of intent

to terminate such Federal regulation. A State's application shall include a clear and concise statement of (1) the action taken by the State to correct the action or omission found to have substantially and adversely affected the carrying out of the fishery management plan, or (2) any changed circumstances which affect the relationship of the State's action or omission to take action to the carrying out of the fishery management plan; and (3) any laws, regulations or other materials which the State believes support the application.

(b) *Informal response.* If the Secretary determines that the application does not raise substantial and material issues of fact, he may accept or reject the application in his discretion. If the Secretary accepts the application and finds that the reasons for which he assumed regulation of the fishery within the boundaries of the State no longer prevail, he shall promptly terminate such regulation and publish any regulatory amendments necessary to accomplish that end.

(c) *Hearing.* Whenever the Secretary determines that the application raises substantial and material issues of fact, he may direct the Administrator to schedule hearings for the receipt of evidence by an administrative law judge. Hearings before the administrative law judge to receive such evidence shall be conducted in accordance with § 619.6. Upon conclusion of such hearings, the administrative law judge shall certify the record and his recommended decision to the Administrator. Upon consideration of the State's application, the hearing record, and any other relevant material, the Administrator shall recommend to the Secretary his determination. If the Secretary finds that the reasons for which he assumed regulation of the fishery within the boundaries of the State no longer prevail, he shall promptly terminate such regulation and shall publish any regulatory amendments necessary to accomplish that end.

[FR Doc. 82-7611 Filed 3-17-82; 4:19 pm]

BILLING CODE 3510-22-M

50 CFR Part 671

Tanner Crab off Alaska

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service, has determined that the desired harvest

level of Tanner crab for the remainder of the South Peninsula District in Registration Area J will be achieved on March 17, 1982, and that early closure of the fishery is necessary to protect Tanner crab stocks. The Secretary of Commerce, therefore, issues this notice of closure of the remainder of the South Peninsula District to fishing for Tanner crab by vessels of the United States on March 17, 1982, thereby adjusting the previous closing date of May 15, 1982, in order to prevent overfishing of Tanner crab stocks in the South Peninsula District.

DATE: This notice is effective from 12:00 noon, Alaska Standard Time (AST), March 17, 1982, until 12:00 noon, Alaska Daylight Time (ADT), May 15, 1982. This notice of closure was filed for public inspection with the Office of the Federal Register on March 17, 1982, at 4:38 p.m. Public comments on this notice of closure are invited until March 31, 1982.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP), governing this fishery in the fishery conservation zone (FCZ) under the Magnuson Fishery Conservation and Management Act, provides for inseason adjustments, by field order, to season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issued by the Secretary of Commerce under the criteria set out in that section.

50 CFR 671.26(f) establishes five districts within Registration Area J in order to prevent overfishing of individual Tanner crab stocks by allowing closure or partial closure of a particular district when the desired harvest level is reached. One of these districts is the South Peninsula District, for which an optimum yield for all Tanner crab of 6.0 million pounds has been approved by the Secretary of Commerce and is pending publication of a final rule in the Federal Register. The State of Alaska's 1981 Tanner crab index survey, however, indicates that the acceptable harvest in the South Peninsula District during the 1981-82 season should be only 4.5 million pounds. Fishing has yielded 2.5 million pounds and 1.6 million pounds in areas referred to as the "Belkofski" Section and the "Pavlof" Section to the South Peninsula District, respectively. Those

sections were closed by field order (47 FR 6655) to further Tanner crab fishing on February 10 and February 15, respectively, to prevent localized overfishing on those stocks.

Following closure of the above two sections, effort shifted to a minor producing-ground, commonly referred to as the "Stepovak Bay/Nagai Island" Section, to harvest the remaining 400,000 pounds. Through March 8, 300,000 pounds have been harvested by 22 vessels. Catch per unit of effort has declined from 30 crabs per pot to 18 crabs per pot, further substantiating the 1981 index survey. It is estimated that the desired harvest level of 400,000 pounds will be achieved on March 17, 1982. Further fishing could result in harm to the resource.

In light of this information, the Regional Director, National Marine Fisheries Service, in accordance with 50 CFR 671.27(b), has determined that:

1. The actual condition of Tanner crab stocks in the South Peninsula District is substantially different from the condition that was previously anticipated; and

2. This difference reasonably supports the need to protect those Tanner crab stocks by closing the FCZ portions of the "Stepovak Bay/Nagai Island" Section to further fishing for Tanner crab during the current fishing year after 12:00 noon, AST, on March 17, 1982.

For these reasons, the FCZ portion of the "Stepovak Bay/Nagai Island" Section of the South Peninsula District in Registration Area J, as defined below, is closed to all fishing for Tanner crab from 12:00 noon, AST, March 17, 1982, until 12:00 noon ADT, May 15, 1982, at which time the closure of this district prescribed in 50 CFR 671.26(f)(2)(ii) will begin. The "Stepovak Bay/Nagai Island" Section is defined as follows:

Stepovak Bay/Nagai Island Section: means all waters of the South Peninsula District bounded on the west by a line extending from Renshaw Point (55°36'30" N. latitude, 160°21'12" W. longitude) to West Head on Unga Island (55°22'48" N. latitude, 160°31'00" W. longitude) and extending south along the longitude of Acheredin Point on Unga Island (55°07'09" N. latitude, 160°49'18" W. longitude), and bounded on the east by the eastern boundary of the South Peninsula District as defined by § 671.26(f)(1)(ii).

This closure will not be effective prior to filing this notice for public inspection with the Office of the Federal Register and publicizing the closure for 48 hours through Alaska Department of Fish and Game (ADF&G) procedures, under 50 CFR 671.27(a)(2). Under 50 CFR 671.27(b)(4), public comments on this

notice of closure may be submitted to the Regional Director at the address stated above for 15 days following the effective date. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at (1) the NMFS Kodiak Field Office, ADF&G Building, at Kashevaroff and Mission Roads, Kodiak, Alaska 99615, and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802. If comments are received, the necessity of this closure will be reconsidered and a

subsequent notice will be published in the **Federal Register**, either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

The Tanner crab stock in the remainder of the South Peninsula District will be subject to damage by overfishing unless this field order takes effect promptly. I therefore find for good cause that advance notice and public comment on this field order is contrary to the public interest, and that there should be no delay in its effective date.

This action is taken under the authority of regulations specified at 50 CFR 671.27, and is taken in compliance with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. In addition, it does not contain any collection of information request, as defined in the Paperwork Reduction Act of 1980.

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

William G. Gordon,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 82-7647 Filed 3-17-82; 4:38 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 47, No. 55

Monday, March 22, 1982

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. 1

[Summary Notice No. PR-82-4]

Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before May 21, 1982.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief

Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION:

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

John H. Cassady,
Deputy Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the rule requested
22448	Wallace H. Jorgenson	Description of petition: To amend § 23.1307(b) to require a time recording device on small airplanes which will record time in service and that operates independent of the Master Switch. Regulations affected: 14 CFR Part 23. Petitioner's reasons for rule: The revision is intended to provide accurate time in service for maintenance work. Petitioner's concern deals primarily with general aviation airplanes. Petitioner contends that since the FAR were formulated to provide uniformity in procedure and promote safety within the industry and the public sector as a whole, it would naturally follow that changes should be made when needed to clarify and coordinate the specific FAR requirements regarding the accurate and uniform keeping of time records required by the FAA in existing Parts 43 and 91.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description of the rule requested
20569	Scott G. Beach	Description of petition: To amend 14 CFR 91.79 to establish the minimum altitude for aircraft operations at 1,000 feet above the surface, or 1,000 feet above the highest obstacle within a 2,000 foot horizontal radius of the aircraft, except for takeoff or landing and certain helicopter operations. Denied Dec. 15, 1981.
22062	Robert H. Waddle	Description of petitioner: To amend 14 CFR 91.9 to prohibit aircraft takeoff and landing operations on a closed runway. Denied Feb. 24/82.
21335	The Balloon Federation of America	Description of petitioner: To amend 14 CFR Part 61 to permit petitioner to increase the experience required of applicants for private and commercial pilot certificates with a lighter-than-air free balloon (hot air) rating and also requests that the FAA establish a hot air balloon rating to be placed on flight instructor certificates and establish requirements to obtain that rating. Denied Feb. 1, 1982.

[FR Doc. 82-7596 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-58-AD]

Airworthiness Directives; Boeing Model 727 and 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require the installation of equipment that will provide a positive indication to the flight crew of normal and unwanted operation of each engine starter on Boeing Model 727 and 737 series airplanes. This action is proposed due to incidents involving undetected,

prolonged starter operation during takeoff and in flight that have resulted in the destruction of the starter and subsequent damage to flammable fluid lines, wiring, and, in some cases, loss of engine cowling or nacelle fire. Destruction of the starter has also caused serious injuries to ground personnel.

DATES: Comments must be received no later than May 31, 1982. Compliance

schedule as prescribed in the body of the AD, unless already accomplished.

FOR FURTHER INFORMATION, CONTACT: Kevin M. Mullin, Propulsion Branch, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108, telephone: (206) 767-2520.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory document or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available both before and after the closing date for comments in the rules docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the rules docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-58-AD, FAA Building, Boeing Field, Seattle, Washington 98108.

Discussion

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 and 737 series airplanes. Since 1975 there have been at least 85 reported incidents of starter overrun on Boeing Model 727 and 737 series airplanes. These have resulted in the destruction of the engine starter and subsequent, substantial damage and spillage from engine fuel feed lines and external oil lines, damage to engine wiring, including main generator wiring, and in-flight loss of large portions of engine cowling which, in some cases, has caught an aerodynamic surfaces and caused serious drag and handling problems. An incident during a ground

run caused serious injuries to two maintenance technicians.

The airplane engine starting system utilizes pressurized air (minimum 30 p.s.i.g.) from the aircraft's air conditioning manifold and supplied by either a ground cart, APU, or the airplane's other engines after they have been started. The engine starting system consists of a start switch located on the pilots' overhead panel, a starter air shutoff valve located within the engine compartment, and an engine gearbox-mounted air turbine starter.

The starter shutoff valve is normally opened by a valve-mounted solenoid which is controlled by the start switch. The valve can also be controlled manually on the ground by the use of a manual override button on the solenoid or using a wrench to turn a fitting on the valve's butterfly shaft. Opening the shutoff valve allows pressurized air from the pneumatic manifold to rotate the starter. The engine start utilizes 110 pounds per minute airflow at pressures up to 106 p.s.i.g. and temperatures as high as 450°F.

The starter consists of an air turbine and exducer, speed reduction gearing, pawl-and-ratchet clutch, and output shaft. The production starter also contains a centrifugally operated cut-out switch. The function of the cut-out switch is to interrupt power to a holding solenoid, which maintains the start switch in the ground start position when the starter drives the engine to a compressor speed of approximately 40% N₂. However, the switch is a nonessential item; and operations are permitted with an inoperative switch in accordance with limitations on the minimum equipment list (MEL). Due to high maintenance requirements, a majority of starter cut-out switches are rendered inoperative by the airlines. A normal starting sequence is as follows:

1. The start switch on the pilots' overhead panel is placed and held in the "Ground Start" position.

2. Twenty-eight (28) volts (DC) from the start switch energizes the starter shutoff valve to the open position through the closed cut-out switch in the starter.

3. The opening of the starter shutoff valve is verified by either the flight engineer (on 727) or the first officer (on 737) by observing a decrease in the pressure indication on the air conditioning manifold pressure gage. This gage is located on the flight engineer's upper panel on 727 series airplanes and on the pilot's overhead panel on 737 series airplanes.

4. The starter turbine starts to rotate. The starter ratchet engages the starter pawls, and the engine starts to rotate.

5. When the starter output shaft reaches a speed equivalent to an engine N₂ compressor speed of approximately 40%, the cut-out switch in the starter opens and de-energizes the start switch holding solenoid; and the start switch returns to its "off" position. The starter shutoff valves close and the starter turbine decelerates.

6. The closing of the starter shutoff valve is indicated by observing a rise in the pressure indication on the air conditioning manifold pressure gage.

7. The starter turbine decelerates, and its output shaft continues to accelerate by the engine until the starter pawls are lifted from the ratchet by centrifugal force.

8. The cut-out switch in the starter is maintained open by flyweights in the starter section, which is driven by the starter output shaft.

Generally, the starter overrun is caused by the starter shutoff valve remaining open, partially open or reopening at some point during the flight. The majority of incidents have involved the starter continuing to run after engine start. The operation of the starter in this manner, which is no longer driving the already operating engine, is also known as free-run condition. From analysis of the conditions following destruction and observation of test articles, the following is the predominant mode of starter destruction:

1. With the ratchet-and-pawl assembly properly released and pressurized air being supplied to the starter, the starter will accelerate to a free-run speed of approximately 110,000 r.p.m. Continued operation in this condition will cause starter oil to be heated to its autoignition temperature. Turbine shaft bearing failure results, caused by lack of lubrication and the turbine/exducer assembly tearing out of the rear of the starter.

2. Destruction of the starter entails three serious effects:

A. High energy rotors and rotor pieces impact other critical assemblies and components in the nacelle. Typical effects have included damaged and destroyed CSD oil lines, damaged and destroyed engine fuel feed lines, and destroyed generator wiring. In one case, pieces from one nacelle on a 727 impacted the "S" shaped intake duct on the center engine indicating the potential of a single failure damaging two engines.

B. Red-hot molten metal pieces of the starter turbine and exducer rotors and housing are widely distributed throughout the nacelle which can ignite any flammable fluids which are present.

C. Superheated starter oil, which is in a vaporized state, begins to burn with explosive speed and force when allowed to contact the atmosphere. The resultant explosion will exceed the capacity of the cowling blow-out panels. Several incidents have included large portions of cowling being blown off.

Airesearch, the starter/shutoff valve manufacturer, introduced nine improvements into the shutoff valve between 1969 and 1980 which, while improving the level of airworthiness of the valve, have had little effect on the rate of undetected starter overruns.

In 1975, Boeing issued service bulletins against the 727 and 737 series airplanes which recommended the installation of a starter turbine wheel containment device. The history of problems has now shown that the containment device could not protect the aircraft from those conditions described earlier in paragraphs 2.B and 2.C.

There have been several contributing causes for the high incidence of starter destruction. This first would be the requirement to monitor air conditioning manifold pressure as a means of indicating the normal operation of the starter shutoff valve. If the designated observer becomes distracted momentarily near the end of the start cycle, the expected rise in indicated pressure might be overlooked. Also, upon engine start, the engine will begin to supply bleed air to the manifold so a pressure rise will be noted. Another possibility is that the shutoff valve remains partially open due to foreign object blockage (which has occurred) or from other causes so that a duct pressure rise is noted, but highly pressurized air is still being supplied to the starter. Should the shutoff valve reopen during flight, the large supply of highly pressurized air from the engine will mask the relatively small quantity of air required to operate the starter. A second problem has been the variations in start switches on the various model airplanes. The predominate switch is the solenoid held momentary-in-ground switch which was described earlier. However, some airplane purchases have ordered or installed maintain-in-ground switches which must be repositioned to the "off" position by the flight crew. The problem here arises on a fleet which utilizes both types of switches. The flight crew expects the switch to automatically reposition itself at the normal end of the start cycle. A Boeing service letter was issued in December 1980 which reiterated the need to physically check that the switch is

moved to the "off" position; however, human error is still probable.

The final system protection is to verify that no pressurized air is being supplied to the starter for extended periods of time. To this end, two possible protective systems have been identified that could substantially reduce or eliminate hazardous failure of the starters:

1. *Oil temperature sensitive fuseplug:* Airesearch has developed a eutectic fuse plug that operates as follows: When the starter gearbox oil temperature is above a predetermined level, the eutectic material from which the fuse plug is manufactured would melt and open a vent port so that the pressurized air within the starter shutoff valve would be vented to ambient and permit the spring-loaded valve to close. While this would probably be the least expensive modification to install, it does have a drawback in that it would not prevent a problem if the valve was physically prevented from closing by some obstruction or jamming.

2. *Starter shutoff valve "open" light:* During a starter free-run following power advance, there is no cockpit indication which would alert the crew that a free-run condition exists so that an engine shut down could be effected before the starter destroys itself. Flight crew corrective action should eliminate the occurrence of starter destruction and subsequent damage. Air pressure downstream of the starter shutoff valve can be used to create a signal on the flight deck which would alert the crew to the potential hazard. Similar systems are utilized on the Boeing 747 and McDonnell Douglas DC-9 and DC-10 series aircraft and are planned for the Boeing 757 and 767 aircraft. A cockpit indicating system is currently available as a customer option on 727 and 737 airplanes. The FAA is informed that the indicating system will be standard equipment on production 727 and 737 airplanes by the end of 1982.

After a careful review of the design concept of the starting system, the FAA has determined that a positive indication of the operation of the starter would provide the flight crew with the information necessary to prevent the hazardous destruction of the engine starter and subsequent damage to the engine installation. The examination of available data on several types of aircraft equipped with a cockpit indicating system, including Boeing 727 airplanes, shows that an early positive warning allows the flight crew time to prevent serious damage to the engine installation. Therefore, the proposed Airworthiness Directive would require

the installation of equipment that will provide a positive indication to the flight crew of the normal and unwanted operation of each engine starter on Boeing Model 727 and 737 series airplanes. It has been estimated that approximately 1160 Model 727 series airplanes and 250, 737 airplanes will be affected by this AD; that it will take less than 100 man-hours per airplane to accomplish the proposed modification; and that the average labor cost will be \$35 per man-hour. Necessary modification components are estimated at less than \$1,000 per airplane. Based on these figures, the total cost impact of this proposed modification is under \$5,000 per airplane. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 727 and 737 series airplanes certificated in all categories. To prevent undetected prolonged engine starter operation, accomplish the following:

A. Within 12 months from the effective date of this AD, unless already accomplished, install an FAA-approved cockpit system that will provide a positive indication to the flight crew of the normal and unwanted operation of each engine starter. Approval of a proposed indicating system must be obtained from the FAA Northwest Mountain Region, Seattle Area Aircraft Certification Office, ANM-100S, FAA Building, Boeing Field, Seattle, Washington 98108.

B. Concurrent with the incorporation of an indicating system described in paragraph A, the Procedures sections of the FAA-approved airplane flight manual shall be revised to include: (1) A provision that the flight crew verify that the cockpit indicating system, required by paragraph A, indicates that the starter is de-energized after each engine start; and (2) flight crew procedures to be accomplished when unwanted starter operation is indicated during ground and flight operations.

C. Alternative means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Building, Boeing Field, Seattle, Washington 98108. (Sec. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291, because of its

minimal economic impact, as summarized earlier in this document. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have significant economic impact on a substantial number of small entities since it involves few, if any, small entities.

Issued in Seattle, Washington, on March 8, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-7606 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-12-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive which would require modification of the existing main deck smoke sampling tube on certain Boeing 747 airplanes. This action is necessary to prevent snagging of the rudder cables during hard application of rudder pedal force. This interference could cause an inadvertent rudder hardover and loss of rudder control.

DATES: Comments must be received on or before April 30, 1982. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, WA 98108. The applicable service bulletin may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Michele M. Owsley, ANM-120S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any persons may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-12-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

A production freighter airplane was found to have rudder control cable interference which could cause an inadvertent rudder hardover and loss of rudder control. This was attributed to snagging of the rudder cables on the main deck smoke sampling tube during hard application of rudder pedal force.

Boeing has issued Service Bulletin Number 747-26-2083 which modifies the existing smoke sampling tube to replace a section of it with a new tube rerouted to clear the control cables. Production freighter aircraft after line No. 520 have an equivalent change incorporated during manufacture. This proposed AD would require the incorporation of this modification on certain Boeing 747 series aircraft within 1,500 hours time-in-service after the effective date of this AD.

Since this condition is likely to exist or develop in other airplanes of the same type design the proposed AD would require modification of certain Boeing 747 series airplanes.

It is estimated that 66 airplanes will be affected by this AD, that it will take approximately 4 man hours per airplane to accomplish the required actions, and

that the average labor cost will be \$35 per man hour. Repair parts are estimated at \$50 per airplane. Based on these figures, the total cost impact of the AD is estimated to be \$12,540. For these reasons the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive.

Boeing: Applies to Model 747 series freighter airplanes as listed in Boeing Service Bulletin No. 747-26-2083, certificated in all categories. To prevent the rudder cable from possible hangup on the smoke detection tube, accomplish the following:

1. Within the next 1,500 hours time-in-service after the effective date of this AD, unless previously accomplished, modify in accordance with Boeing Service Bulletin No. 747-26-2083 dated October 1, 1981, or later FAA approved revision.

2. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

Manufacturer's specification and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). (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)); and 14 CFR 11.85).

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291, because of its minimal economic impact, as summarized earlier in this document. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, I certify that, under the criteria of the Regulatory Flexibility Act, this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, since it involves few, if any, small entities.

Issued in Seattle, Washington, on March 9, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-7607 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-ANE-05]

Airworthiness Directives; Detroit Diesel Allison Models 250-C20, -C20B Engines**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require modifying the high pressure fuel filter assembly installed in Detroit Diesel Allison (DDA) Models 250-C20 and -C20B engines equipped with the Chandler Evans Company (CECO) Model MC-40 fuel control system. The proposed AD is needed to prevent possible metal contamination of the CECO Model MC-40 fuel control system power turbine governor which can result in power turbine rotor overspeed.

DATES: Comments must be received on or before May 11, 1982.

ADDRESS: Send comments on the proposed AD in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket No. 82-ANE-05, 12 New England Executive Park, Burlington, MA 01803.

The applicable Service Bulletin may be obtained from: Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206.

A copy of the Service Bulletin is contained in Rules Docket at the above FAA address.

FOR FURTHER INFORMATION CONTACT: Mr. Royace Prather, Chicago Aircraft Certification Office, ACE-140C, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone (312) 694-7132.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the regulatory docket number and be submitted in duplicate to the New England Regional Office address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date

for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket. The FAA and the National Transportation Safety Board (NTSB) have determined that metal contamination of the fuel control system power turbine governor can result in power turbine overspeed of Detroit Diesel Allison Models 250-C20 and -C20B turboshaft engines. Detroit Diesel Allison issued Commercial Engine Service Bulletin CEB-1144 on November 14, 1979, warning that the high pressure fuel filter assembly bypass valve, DDA P/N 6895173, was subject to wear. The CEB recommended modifying the high pressure fuel filter assembly with a new design assembly kit. As of January 29, 1982, approximately 70% of affected high pressure filter assemblies were modified. Since this condition is likely to exist or develop on remaining engines of the same type design, the proposed AD would require modification of the remaining affected fuel control system high pressure fuel filter assemblies.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Detroit Diesel Allison: Applies to all Models 250-C20 and -C20B engines equipped with the Chandler Evans Company (CECO) Model MC-40 fuel control system.

Compliance required as indicated unless already accomplished.

To prevent possible power turbine overspeeds, accomplish the following at the next engine or CECO fuel control/power turbine governor overhaul, but not later than October 1, 1982:

Modify the engine high pressure fuel control filter assembly, P/N 6895173 or P/N 6896727, into P/N 6899279 in accordance with the detailed instructions provided in Detroit Diesel Allison Commercial Engine Alert Bulletin CEB-A-1144, Revision 3, dated March 1, 1982, or later FAA approved revision.

Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Chief, Chicago Aircraft Certification Office, Federal Aviation Administration, Central Region. The manufacturer's specifications and procedures identified and described in this directive are available upon request to Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206. These documents may also be examined at the New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA

Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591. A historical file on this AD is maintained by the FAA at its headquarters in Washington, D.C., and at the New England Regional Office.

(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)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities because of the nominal cost of compliance. A draft regulatory evaluation prepared for this document is contained in the public docket, and a copy may be obtained by writing to Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket No. 82-ANE-05, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on March 12, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-7605 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-09-AD]

Airworthiness Directives; Israel Aircraft Industries Model 1121 and 1123 Series Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require an aft pressure bulkhead modification on certain Israel Aircraft Industries Models 1121 and 1123 series airplanes. The modification is needed to prevent bulkhead cracking and subsequent structural failure and depressurization.

DATES: Comments must be received no later than May 31, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information and copies may be obtained from Commodore Aviation, Inc., P.O. Box 280, Ronkonkoma, New York 11779. This information may also be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert J. Huhn, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-09-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion: The Israel Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a structural modification needed on the aft pressure bulkhead U channel which they have imposed to correct an unsafe condition on Israel Aircraft Industries Models 1121 and 1123 airplanes. Several cases of cracking of the U channel have been reported.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require modification of the aft pressure bulkhead on certain Israel Aircraft Industries model 1121, 1121A, 1121B, and 1123 series airplanes.

It is estimated that 144 airplanes will be affected by this AD, that it will take approximately 240 man-hours per airplane to accomplish the required actions, and that the average labor cost will be \$30 per man-hour. Repair parts

are estimated at \$1,000 per airplane. Based on these figures, the total cost impact of this AD is estimated to be \$1,180,800. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Israel Aircraft Industries, Ltd.: Applies to Model 1123, serial numbers 107, 151 through 186, except 154 and 181, and to all Model 1121, 1121A, 1121B, serial numbers 3 through 150, airplanes certified in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent structural failure of the aft pressure bulkhead and depressurization of the airplane cabin, accomplish the following:

1. Within the next 300 hours time in service after the effective date of this AD, or before the airplane accumulates 5,000 hours time in service, whichever occurs later, modify the aft pressure bulkhead assembly for the Model 1121 series airplanes in accordance with the "Instructions" in Israel Aircraft Industries, Ltd. Service Bulletin No. CJ-15 dated June 17, 1977, and Revision No. 1 dated October 25, 1977; and for Model 1123 series airplanes in accordance with the "Instructions" in Israel Aircraft Industries, Ltd., Service Bulletin No. WW-19 dated October 25, 1977.

2. Alternative means of compliance with this AD which provide an equivalent level of safety must be approved by the Chief, Seattle Area Aircraft Certification Office, ANM-100S, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2717.

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to Commodore Aviation, Inc., P.O. Box 280, Ronkonkoma, New York 11779. These documents may also be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

(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)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of

Executive Order 12291, because of its minimal economic impact, as summarized earlier in this document. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, since it involves few, if any, small entities.

Issued in Seattle, Washington, on March 9, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-7608 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AAL-2]

Proposed Extension of Federal Airway From Nome to Gambell, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to extend Green Federal Airway No. 7 (G-7) from Nome, AK (Fort Davis nondirectional radio beacon [NDB]) to Gambell, AK, NDB. Extension of this airway would permit the provision of air traffic control services for aircraft operating between Nome and Gambell. This action would enhance air safety for air traffic en route between those two points.

DATE: Comments must be received on or before April 21, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 82-AAL-2, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (ATT-230),

Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written date, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal.

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AAL-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.103 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend G-7 from the Fort Davis NDB at Nome, AK, to Gambell,

AK, NDB and substitute "NDB" for "RBN" wherever it appears in the description of G-7. FAA will, in the near future, commission a nondirectional radio beacon at Gambell and extending G-7 would permit air traffic control services to be provided to aircraft operating between Nome and Gambell, thereby enhancing safety for those aircraft. Section 71.103 of Part 71 was republished January 2, 1981 (46 FR 407).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of

Defense in accordance with the provisions of Executive Order 10854.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.103 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 407), as follows:

G-7 [Revised]

By revising the description of G-7 to read as follows:

"G-7 From Gambell, AK, NDB, Fort Davis, AK, NDB, Norton Bay, AK, NDB; 46 miles, 57 miles 55 MSL, Bishop, AK, NDB; INT Bishop 089" and Chena, AK, NDB 269" bearings; to Chena NDB."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on March 15, 1982.

John W. Baier,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7002 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AWA-13]

Proposed Renumbering of Federal Airways, Hays, Kans.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The FAA proposes to renumber certain alternate VOR Federal Airways in the central part of the U.S. Several minor errors were found in the notice describing the amendments to these airways. This action corrects those errors.

DATES: Comments must be received on or before April 21, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-13, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 1, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber certain alternate VOR Federal Airways in the central part of the U.S. (47 FR 4528). Minor errors in the descriptions of several airways were found in the notice. This action corrects those errors.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal.

Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-13." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on

the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

V-4 [Amended]

1. By deleting the words ", including a S alternate via Hays, KS" and ", including a N alternate from the INT of Salina 080° and Manhattan, KS, 213° radials to Topeka via Manhattan and the INT of Manhattan 078° and Topeka 293° radials" and ", including a S alternate via INT Topeka 099° and Kansas City 231° radials"

V-508 [New]

2. By adding "V-508 From Hill City, KS; Hays, KS; Salina, KS; INT Salina 080°T(071°M) and Manhattan, KS, 213°T(204°M) radials; Manhattan, INT Manhattan 078°T(069°M) and Topeka, KS, 293°T(285°M) radials; Topeka; INT Topeka 099°T(091°M) and Kansas City, MO, 231°T(223°M) radials; Kansas City."

V-6 [Amended]

3. By deleting the words "; Des Moines, IA; Iowa City, IA, including a S alternate via INT Des Moines 112° and Iowa City 252° radials;" and substituting for them the words "; Des Moines, IA; Iowa City, IA;" (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under

Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-7609 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-9]

Proposed Alteration of Transition Area, Wadesboro, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Wadesboro, North Carolina, Transition Area by lowering the base of controlled airspace north of the Anson County Airport from 1,200 to 700 feet AGL. A new standard instrument approach procedure has been developed to the airport, and additional controlled airspace is required to protect Instrument Flight Rule (IFR) operations.

DATE: Comments must be received on or before: May 7, 1982.

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

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

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

SUPPLEMENTARY INFORMATION:

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 triplicate to

the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before May 7, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Wadesboro, North Carolina, 700-foot transition area. This action will provide controlled airspace protection for additional IFR operations at the Anson County Airport. A new standard instrument approach procedure, NDB Runway 16, utilizing the Wadesboro NDB, is proposed in conjunction with the alteration of the transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR 71) as follows:

Wadesboro, North Carolina

By amending § 71.181 in the description of the Wadesboro, North Carolina, Transition Area by deleting the words " * * * southwest of the VORTAC * * *" and substituting for them the words " * * * southwest of the VORTAC; within 3 miles each side of the 340° bearing from the Wadesboro RBN (Lat. 35°10'26" N., Long. 80°05'00" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBM * * *"

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) it is certified that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Ga., on March 9, 1982.

George R. LaCaille,
Acting Director, Southern Region.

[FR Doc. 82-7599 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

Tariff Classification of Footwear

AGENCY: Customs Service, Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a notice and proposed change of practice relating to the tariff classification of footwear. A document inviting the public to comment was published in the *Federal Register* on January 25, 1982 (47 FR 3375). That document solicited comments regarding: (a) The interpretation of a provision in the Tariff Schedules of the United States pertaining to imported footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper; and (b) whether Customs should change its uniform and established practice of classifying shells for "moon boots", a type of footwear, imported with an equal number of removable liners as separate entities, dutiable individually, or whether the shells and liners should be classified as tariff entities pursuant to the doctrine of entireties.

Customs has received a request to extend the period of time for the formulation and submission of complete

and meaningful comments. Customs believes that additional time for comment is warranted. Accordingly, this notice extends the period of time for comment to April 26, 1982.

DATE: Comments must be received on or before April 26, 1982.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Donald F. Cahill, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-568-8181).

Dated: March 15, 1982.

John P. Simpson,
Director, Office of Regulations and Rulings.

[FR Doc. 82-7658 Filed 3-19-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 82-021]

Drawbridge Operation Regulations; Genesee River, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the County of Monroe, New York, the Coast Guard is considering changing the operating regulations of the Stutson Street Bridge, mile 1.21, across the Genesee River, Rochester, New York, by permitting the draws of this bridge to remain closed for extended periods of time during the navigation season. This proposal is being made in an effort to relieve vehicular traffic tie-ups caused by an increase of both land and water traffic. This action may accommodate the needs of vehicular traffic and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 6, 1982.

ADDRESS: Comments should be submitted to and are available for examination during normal business hours at the office of the Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, United States Coast Guard, 1240

East Ninth Street, Cleveland, Ohio 44199. (216) 522-3993.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed postcard or envelope.

The Commander, Ninth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Project Attorney, LCDR Michael D. Gentile, Assistant Legal Officer, Ninth Coast Guard District.

Discussion of Proposed Regulations

This requested change is being proposed because of an increase in land traffic using the Stutson Street Bridge and an increase in the number of requests to open the bridge for the passage of watercraft. Traffic counts for a period of time Saturday through Friday, between the hours of 7 a.m. and 11 p.m., show an hourly average of vehicles passing over the Stutson Street Bridge as follows: Saturday 951, Sunday 933, Monday 1110, Tuesday 1178, Wednesday 1228, Thursday 1149, Friday 1158. Bridgetender logs show a decrease of 93 openings for commercial vessels between 1979 and 1980. However, openings of the draw for recreational vessels had an increase of 881, or approximately 110 more openings per month in 1979 than 1980.

Under present regulations the draw of the Stutson Street Bridge need not open for the passage of vessels from April 1 through December 15, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays. From December 16 through March 31 the draw is required to open on signal if at least 12 hours advance notice is given. At all other times the draw opens on signal.

This proposal would retain the two 2-hour closed periods and the period during the winter months when a 12-hour advance notice is required to have the draw open for the passage of a vessel. In addition, it would allow the

bridge owner to open the draw only on the hour and half-hour during periods of time when random bridge openings cause land traffic tie-ups.

The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since its impact is expected to be minimal.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. Since this proposal only reduces the number of bridge openings during periods of time when vehicle traffic using the Stutson Street Bridge is heaviest, small entities in the area should not be economically impacted.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.709 to read as follows:

§ 117.709 Genesee River, Rochester, N.Y., Stutson Street and ConRail bridges.

(a) The draw of the ConRail bridge shall open on signal from April 1 through December 15.

(b) The draw of the Stutson Street Bridge shall open on signal from April 1 through December 15 except that:

(1) From 7 a.m. to 9 a.m. and 4 p.m. and 6 p.m., Monday through Friday, except Federal holidays, the draw need not open.

(2) From 9 a.m. to 4 p.m. and 6 p.m. to 11 p.m., Monday through Friday, and 7 a.m. to 11 p.m., Saturdays, Sundays and Federal holidays the draw need open on signal only on the hour and half-hour.

(c) From December 16 through March 31 the draws of both bridges shall open on signal if at least 12 hours advance notice is given.

(d)(1) Public vessels of the United States, vessels in distress, state or local government vessels used for public safety and vessels seeking shelter from rough weather shall be passed through the draws of these bridges as soon as possible even though the closed periods of paragraph (b) (1) and (2), and (c) of this section are in effect.

(2) Commercial vessels shall be passed through the draw of the Stutson Street Bridge even though the closed periods of section (b)(2) are in effect.

(e) The owner of or agency controlling these bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such a manner that it can be easily read at all times, a copy of the regulations in this section, together with a notice stating exactly how the representative may be reached during times specified in paragraph (c) of this section.

(f) Clearance gauges, of a type approved by the Commander, Ninth Coast Guard District, shall be installed on the upstream and downstream sides of each drawbridge by and at the expense of the owner of or agency controlling the bridge and such gauges shall be kept in good repair and legible condition.

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

Dated: March 11, 1982.

Henry H. Bell,

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

[FR Doc. 82-7658 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-1957-8]

Approval And Promulgation of Implementation Plans; Mountain Counties Air Basin Nonattainment Area Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the California State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) by the Governor's designee. These revisions consist of a control strategy and regulations for portions of Placer County and El Dorado County and constitute the Mountain Counties Air Basin Nonattainment Area Plan (NAP) for ozone.

Based on EPA's evaluation with respect to the requirements of the Clean Air Act, today's notice proposes to conditionally approve the NAP.

DATE: Comments must be received on or before April 21, 1982.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, SIP Section (A-2-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are contained in document file NAP-CA-34 (Mountain Counties Air Basin), and are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, S.W., Washington D.C. 20460

Placer County Health and Medical Services, 11491 B Avenue, Auburn, CA 95603

El Dorado County Air Pollution Control District, 330 Fair Lane, Placerville, CA 95667

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, SIP Section, Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 974-8222

SUPPLEMENTARY INFORMATION:

Description Of Proposed SIP Revision

On April 3, 1981 the California Air Resources Board (ARB) submitted the Mountain Counties Ozone Control Strategy (Chapter 9) to EPA as a revision to the California SIP.

This Control Strategy was prepared by the El Dorado Air Pollution Control District and the Placer County Health Department, in cooperation with the Mountain Counties Air Basin Engineer.

The Mountain Counties Air Basin Control Strategy is comprised mainly of two local nonattainment area plans and the corresponding ARB Resolution #81-10.

The locally adopted plans indicate that attainment by 1982 of the ozone standard in the Mountain Counties portion of El Dorado and Placer Counties is not possible despite the implementation of all reasonably available control measures. An extension of the ozone attainment date until no later than December 31, 1987 is requested.

In addition to those portions of the April 3, 1981 submittal described above, this notice considers the following amendments to the Placer and El Dorado Counties rules and regulations

submitted to EPA on the indicated dates as revisions to the SIP by the ARB. These rules together with the Control Strategy comprise the Mountain Counties NAP.

El Dorado

January 28, 1981

Rule 313—Storage of Petroleum Products at Terminals and Large Bulk Loading Facilities

Rule 314—Transfer of Gasoline into Stationary Source Containers

Rule 315—Architectural Coatings

Rule 316—Exemptions

Rule 317—Identification of Coatings

April 3, 1981

Rule 401—Permit Required

Rule 402—Exemptions to Rule 401

Rule 403—Applications

Rule 404—Application Criteria

Rule 405—Determination of Requirements

Rule 406—Completeness of Application

Rule 407—Pollutant Modeling

Rule 410—Calculation of Emissions

Rule 411—Emission Offset Eligibility

Rule 415—Violation of National Ambient Air Quality Standards

Rule 416—Violation of Emission Limitation

Rule 418—Nonattainment Pollutant Air Quality Analysis

Rule 419—Exemptions to Rule 418

Rule 420—Contribution to Violation of National Ambient Air Quality Standard

Rule 421—Exemptions to Rule 420

Rule 422—Power Plants

Rule 423—Authority to Construct Decision

Rule 424—Cancellation of Authority to Construct

Rule 425—Transfer of Authority to Construct

June 22, 1981

Rule 318—Perchloroethylene Dry Cleaning Operations

Rule 319—Perchloroethylene Dry Cleaning Operations

Rule 320—Perchloroethylene Dry Cleaning Operations

Placer County

October 15, 1979

Rule 508—New Source Review

May 28, 1981

Rule 214—Transfer of Gasoline into Vehicle Fuel Tanks

Criteria For Approval

The criteria used in EPA's review are detailed in the General Preamble and four supplements referenced in the notice of proposed rulemaking.

The following list summarizes the basic requirements for nonattainment area plans. The citations which follow, referring to portions of the Clean Air Act, provide the basis for those requirements.

1. An accurate inventory of existing emissions (172(b)(4)).

2. A modeling analysis indicating the level of control needed to attain by 1982 and in the case of an extension request, by 1987 (172(a)).

3. Emission reduction estimates for each adopted control measure (172(a)).

4. A provision for expeditious attainment of the standards (172(a)).

5. Provisions for reasonable further progress as defined in Section 171 of the Act (172(b)(3)).

6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, in certain circumstances where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures (172(b)(2)(8) and (10)).

7. An identification of an emissions growth increment (172(b)(5)).

8. Provisions for annual reporting with respect to items (5) and (6) above (172(b)(3) and (4)).

9. A permit program for major new or modified sources (172(b)(6) and 173).

10. An identification of and commitment to the resources necessary to carry out the plan (172(b)(7)).

11. Evidence of public, local government, and state involvement and consultation (172(b)(9)).

12. Evidence that the proposed SIP revisions were adopted by the state after reasonable notice and public hearing (172(b)(1)).

While EPA's evaluation of the NAP for ozone includes use of "Control Technique Guidelines" ("CTG's") documents as a "presumptive norm," the states may adjust the recommended controls or develop requirements which are not based on the CTG's, provided that they submit information supporting their decisions.

EPA policy for approval of ozone NAPs differentiates between rural and urban ozone nonattainment areas and is discussed in the General Preamble (44 FR 20372). Based on the definition of rural areas in the policy, the two County plans have been reviewed against the rural requirements. Each criterion is discussed in depth in EPA's Technical Support Document and is summarized in the next section.

EPA Proposed Actions

The following portions of the Mountain Counties NAP for ozone have been determined to be consistent with Section 172 and are proposed to be approved and incorporated into the SIP: emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, legally adopted measures, emissions growth, annual reporting, resources,

public and government involvement, and public hearing requirements.

The permit program portion of the NAP for ozone contains one major deficiency in El Dorado County, the lack of definitions for key terms, and several minor deficiencies with respect to Section 173. For El Dorado County, EPA proposes to conditionally approve the program with the understanding that the major deficiency will be corrected before final rulemaking. For Placer County, EPA is proposing to conditionally approve the permit program and incorporate it into the SIP, with the condition that the deficiencies be corrected by a specified deadline.

Upon final rulemaking these actions would result in an overall conditional approval of the NAP for ozone and would remove the current prohibition on construction of certain major new or modified sources in these nonattainment areas. This prohibition is required by the Clean Air Act and is discussed in detail in the July 2, 1979 Federal Register notice (44 FR 38471).

For further information, see the supplements to EPA's General Preamble. **Regulatory Process**

Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the ADDRESSES Section of this notice. EPA may proceed to final rulemaking without providing further opportunity for public comment if the major deficiency in the permit program is corrected as specified in this notice.

Under Executive Order 12291, EPA must judge whether a rulemaking action is "major". Further, under the Regulatory Flexibility Act, EPA must assess the effect of the rulemaking action on "small entities". This regulation is not "major" because it approves state and local actions and imposes no new requirements. For the same reasons I hereby certify that the action will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 12291, this regulation was submitted to the Office of Management and Budget (OMB) for review.

Authority: Sections 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: November 30, 1981.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 82-7612 Filed 3-19-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3800

Surface Management of Unpatented Mining Claims Located on the Public Lands; Amendments Affecting Special Category Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking is designed to lessen the burden on mining claimants having mining claims within designated special category lands by removing the requirement for a plan of operations within those areas. The amendment will reduce the burden on certain mining claimants and will, at the same time, maintain a mechanism for providing adequate protection for the special category lands.

DATE: Comments should be received by May 6, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Eugene Carlat (202) 343-8537

or

Robert C. Bruce (202) 343-8735

SUPPLEMENTARY INFORMATION: After careful review of the regulations in 43 CFR Subpart 3809—Surface Management of Unpatented Mining Claims Located on the Public Lands—it has been determined that the requirement for filing of a plan of operations for all activities in the areas designated as special category lands was an unnecessary burden on the affected public. The proposed rulemaking would make the five acre threshold apply uniformly to all operations on Federal lands. The amendment would allow the authorized officer an additional 15 days to determine if the proposed operations are appropriate under a notice and to identify and provide protection to special resource values which may occur in such areas. The amendment would also make a few changes in the description of what constitutes special category lands.

The amendment clarifies a point that was not clearly stated in the existing regulations. In keeping with the Congressional mandate to the Secretary

of the Interior in section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732), prevention of undue and unnecessary degradation of the public lands was one of the primary functions of the existing regulations. However, the regulations did not clearly state that the failure to prevent undue or unnecessary degradation could be the basis for filing a notice of non-compliance against an operator. The amendment would add language making failure to prevent undue or unnecessary degradation a basis for filing a notice of non-compliance.

Finally, the provision for a nationwide bond for operations under the regulations would be deleted. Experience under the regulations has shown that there is no need for this provision. Operations covered by these regulations are small and are generally confined to a small area, usually in one state.

Editorial changes and technical corrections have been made as necessary.

The principal author of this proposed rulemaking is Eugene Carlat, Division of Minerals and Geothermal Resources, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. (2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354).

The information collection requirements contained in 43 CFR Subpart 3809 have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Under the authority of section 2319 (30 U.S.C. 22) and 2478 (43 U.S.C. 1201) of the Revised Statutes and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), it is proposed to amend Part 3800, Group 3800, Subchapter C, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

**PART 3800—LANDS AND MINERALS
SUBJECT TO LOCATION**

§ 3809.0-5 [Amended]

1. Section 3809.0-5 is amended by:
a. Amending paragraph (b) by removing the words "or limited"; and
b. Amending paragraph (k) by inserting in the last sentence of the paragraph immediately after the phrase "Wild and Scenic Rivers," the phrase "areas designated as part of the National Wilderness System administered by the Bureau of Land Management".

§ 3809.1-3 [Amended]

2. Section 3809.1-3 is amended by:
a. Revising paragraph (a) to read:
(a) All operators on project areas whose operations, including the construction of access routes across federal lands to the project area, cause a cumulative surface disturbance of 5 acres or less during any calendar year shall notify the authorized officer in the District office of the Bureau of Land Management having jurisdiction over the lands in which the claim(s) or project area is located. Prior to conducting additional operations under a subsequent notice covering substantially the same ground, the operator shall have completed to the satisfaction of the authorized officer, reclamation of the area disturbed under any previous notice. Notification of such

activities shall be by written notice or letter at least 15 calendar days before commencing operations, except that a notice shall be made 30 calendar days before commencing operations in the following described special category lands:

(1) California Desert Conservation Area;

(2) Areas designated for potential addition to or an actual component of the National Wild and Scenic Rivers System;

(3) Designated areas of critical environmental concern;

(4) Areas designated as part of the National Wilderness System under the jurisdiction of the Bureau of Land Management;

(5) Areas withdrawn from operations of the mining laws in which valid existing rights are being exercised; and
(6) Areas designated as closed to off-road vehicle use as defined in subpart 8340 of this title.

b. Amending paragraph (b) by removing the phrase "under § 3809.1-3(c) of this title when the construction of access routes are involved"; and

c. Revising paragraph (f) to read:
(f) Failure of the operator to prevent undue or unnecessary degradation or to complete reclamation to the standards described in this subpart shall cause the operator to be subject to a notice of noncompliance as described in § 3809.3-2 of this title.

3. Section 3809.1-4 is revised to read:

§ 3809.1-4 Plan of operations—when required.

An approved plan of operations is required prior to commencing operations which exceed the disturbance level (5 acres) described in § 3809.1-3 of this title.

§ 3809.1-9 [Amended]

4. Section 3809.1-9(d) is amended by removing the phrase "or nationwide".

§ 3809.2-1 [Amended]

5. Section 3809.2-1(c) is amended by removing the phrase "is § 3809.1-6" and replacing it with the phrase "in § 3809.1-6".

§ 3809.2-2 [Amended]

6. Section 3809.2-2(e)(2) is amended by adding at the end the phrase "after notification to the authorized officer of such discovery."

§ 3809.4 [Amended]

7. Section 3809.4(b) is amended by inserting after the phrase "within 30 days after the date of" the phrase "receipt of".

Dated: November 30, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 82-7615 Filed 3-19-82; 8:45 am]

BILLING CODE 4310-84-M

Notices

Federal Register

Vol. 47, No. 55

Monday, March 22, 1982

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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Public Access and Information; Postponement of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-163), notice is hereby given that the meeting of the Committee on Public Access and Information of the Administrative Conference of the United States, scheduled to be held at 9:30 a.m., Thursday, March 18, 1982, has been postponed until 9:30 a.m., Wednesday, March 24, 1982. The meeting will be held in the Library of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will meet to discuss further the scope and substance of comments by the Committee on proposed recommendations of the ACUS Committee on Regulation of Business regarding treatment of confidential business information under the Freedom of Information Act. At meetings on February 17, and March 11, 1982, the Committee reached general agreement on (1) the appropriate coverage of Exemption (b)(4) of the FOIA, (2) agency discretion to release information covered by the exemption, (3) and certain aspects of agency procedure for handling such information.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least one day in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Michael W. Bowers (202-254-7065). Minutes of the

Committee meetings are available on request.

Richard K. Berg,

General Counsel.

March 17, 1982.

[FR Doc. 82-7584 Filed 3-19-82; 8:45 am]

BILLING CODE 6110-01-M

CIVIL AERONAUTICS BOARD

[Econ. Regs. Policy Statement; Docket 40513; EDR-440; PDR-73]

Tariffs; Statements of General Policy

Dated: March 12, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Petition for rulemaking; shortening of answer period.

SUMMARY: In response to a request by World Airways that the Board take urgent action, the CAB shortens by two weeks the period for public answers to the World Airways petition for the reregulation of discount fares in domestic markets.

DATES: Answers by March 24, 1982.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: On March 9, 1982, World Airways petitioned the Board "for emergency rulemaking with regard to fare discounting practices in the domestic airline industry." Citing the recent financial problems in the airline industry, World asked the Board to (1) suspend the policy statement that permits unlimited downward fare flexibility, (2) require airlines to file tariffs for all coach fares that are more than 50 percent below the standard industry fare level (SIFL), and (3) require that airlines supply justification for all such fares. In connection with this petition, World asked that the Board hold an oral nonadjudicatory hearing within the next 2 weeks.

Section 302.38(c) of the Board's rules states that no public hearing, oral argument, or other forms of proceedings should be held directly on rulemaking petitions. There is no reason to create a special exception in this area. If based on the public response to this petition, the Board finds that it needs additional information, it can hold an oral hearing

at that time. In response to World's request that the Board take urgent action, however, the answer period is being shortened to 2 weeks, instead of the 30-day period specified by § 302.38(a). In addition, the Board will make every effort to act expeditiously on this petition at the end of the answer period.

Accordingly, the date for answers to the petition for rulemaking from World Airways is advanced to March 24, 1982.

(Secs. 204, 1001, Pub. L. 85-726, as amended, 72 Stat. 743, 788, 49 U.S.C. 1324, 1481)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-7559 Filed 3-19-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the Illinois Advisory Committee will convene at 9:00 am and will end at 10:30 am, on April 16, 1982, at the JCK Federal Building, Room 1098, 230 South Dearborn Street, Chicago, Illinois 60604. The purpose of the conference is to release a handbook for parents, "The ABCs of Special Education."

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Thomas J. Pugh, 500 West Melbourne Avenue, Peoria, Illinois 61604, (309) 686-3121; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-7574 Filed 3-19-82; 8:45 am]

BILLING CODE 6335-01-M

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights,

that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:30 a.m. and will end at 2:00 p.m., on April 16, 1982, at the JCK Federal Building, 230 South Dearborn Street, Room 1098, Chicago, Illinois 60604. The purpose of the meeting is to review the employment report.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Mr. Thomas J. Pugh, 500 West Melbourne Avenue, Peoria, Illinois 61604, (309) 686-3121; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-7575 Filed 3-19-82; 8:45 am]

BILLING CODE 6335-01-M

Nevada Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nevada Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm, on April 16, 1982, at the Marina Hotel, 3805 Las Vegas Boulevard, South, VIP Room/Satellite Building, Las Vegas, Nevada. The purpose of this meeting is to have a discussion on civil rights issues in the Nevada project; followup to affirmative action at the University of Nevada, Las Vegas report; and project planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Woodrow Wilson, 625 Frederick Avenue, Las Vegas, Nevada 89106, (702) 565-8901; or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, CA 90010, (213) 798-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 17, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-7576 Filed 3-19-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Stainless Clad Steel Plate From Japan: Preliminary Determination of Sales at Less Than Fair Value and Suspension of Liquidation

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Determination of Sales at Less Than Fair Value and Suspension of Liquidation.

SUMMARY: This notice is to advise the public that the Department of Commerce has determined preliminarily that stainless clad steel plate from Japan is being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930. Liquidation of entries, or withdrawals from warehouse, for consumption are being suspended, and a cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 14 percent of the f.o.b. value shall be required at the time of each such entry or withdrawal from warehouse. If this investigation proceeds normally, the Department will make a final determination on or before May 31, 1982.

EFFECTIVE DATE: March 22, 1982.

FOR FURTHER INFORMATION CONTACT: Koichi O. Beckwith, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-1778).

SUPPLEMENTARY INFORMATION:

Case History

On October 6, 1981, we received a petition in proper form from counsel on behalf of Lukens Steel Company, Coatesville, Pennsylvania, alleging that stainless clad steel plate from Japan is being sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930 ("the Act") (19 U.S.C. 1673).

Upon examining the petition as required under section 732 of the Act (19 U.S.C. 1673a), we determined that there existed sufficient grounds upon which to initiate an antidumping investigation, and we published a "Notice of Initiation" in the Federal Register on October 15, 1981 (46 FR 50814).

On November 13, 1981, the United States International Trade Commission ("ITC") determined that there is a reasonable indication that an industry in the United States is being materially injured, or is threatened with material injury, by reason of imports of stainless clad steel plate from Japan allegedly sold at less than fair value. The ITC published notice of its determination in

the Federal Register on December 2, 1981 (46 FR 58619).

Scope of Investigation

The merchandise covered by this investigation is stainless clad steel plate currently classifiable under item number 607.94 of the *Tariff Schedules of the United States* (TSUS). The product is a rectangular finished steel mill product consisting of a layer of stainless steel bonded to a substrate of less expensive carbon or low alloy steel. Depending on its intended use, stainless clad steel plate can be produced in various combinations of stainless and base materials, and in various dimensions and qualities as specified by the customer. Stainless clad steel plate has many applications where the corrosion resistance of stainless steel and the higher design strength of carbon or alloy steel are required.

This investigation covers sales made between February 1 and October 31, 1981. Japan Steel Works ("JSW") was the only known Japanese producer of clad steel plate for export to the United States during the investigative period.

During the course of this investigation, including the verification, JSW has refused to disclose certain information on home market and U.S. sales which the Department believes is necessary in order to assure itself that: 1) JSW properly selected "such or similar" sales in the home market from the total of JSW's home market sales (the Department could not establish, for example, that sales selected by JSW were, in fact, those which were most similar to U.S. sales); and 2) JSW listed all sales to the U.S. of stainless clad steel plate.

Therefore, because JSW has refused to produce information considered essential by the Department, we have used the best information otherwise available in making our preliminary determination in accordance with section 776(b) of the Act (19 U.S.C. 1677e(b)). In this case, the best information available consisted of data submitted by the petitioner.

However, if JSW submits the information we are seeking in sufficient time prior to the final determination in this case, and if this information can be verified, we will consider such information in the final determination.

Methodology of Fair Value Comparison

Comparisons were made between United States price and the foreign market value of the imported merchandise.

Purchase price was used to represent United States price because the price of

stainless clad steel plate to unrelated purchasers in the United States was agreed to before the merchandise was imported into the United States.

Constructed value was used to represent foreign market value because of the absence of complete home market or third country sales data.

United States Price. We used purchase price, as defined in section 772(b) of the Act, to determine the United States price. We calculated the purchase price on the basis of data contained in the petition concerning JSW's delivered price to unrelated U.S. purchasers, with deductions for inland freight, handling, ocean freight, and Customs duty, which were also based upon data in the petition.

Foreign Market Value. We used the constructed value in accordance with section 773(a)(2) of the Act to determine foreign market value. We calculated constructed value on the basis of data contained in the petition concerning materials, labor, and overhead costs. We also included the statutory amounts for general expenses (10 percent) and profit (8 percent) in accordance with section 773(e)(1) of the Act.

We compared the purchase price to the constructed value and derived a margin of 14 percent.

Critical Circumstances

We have considered the petitioner's contention that "critical circumstances" existed with respect to this case. Critical circumstances exist when there is a reasonable basis to believe or suspect that: (1) there is a history of dumping in the United States, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value; and (2) there have been massive imports of the subject merchandise over a relatively short period. The petitioner stated that "importers knew or should have known, by reason of such a large and exponentially increasing volume of imports, that the merchandise was being sold at less than fair value."

This allegation fails to satisfy the requirement of section 733(e)(1)(A)(ii) that the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value. An increase in imports does not necessarily provide a logical basis for concluding that importers had knowledge that imports were sold at prices below fair value.

Since the above allegation is insufficient in this case to establish knowledge on the part of the importer, and since the petitioner did not allege that there has been a history of dumping of the merchandise under consideration, we will not address the question of massive imports.

We, therefore, determine that there is no reasonable basis for concluding that critical circumstances existed with respect to imports of stainless clad steel plate from Japan.

Suspension of Liquidation

Based upon the above, and in accordance with section 733(b) of the Act (19 U.S.C. 1673b(b)), we hereby determine preliminarily that there is a reasonable basis to believe or suspect that stainless clad steel plate from Japan is being sold at less than fair value within the meaning of the antidumping law. In accordance with section 733(d) (1) and (2) of the Act (19 U.S.C. 1673b(d) (1), (2)), Customs officers are being directed to suspend liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise on or after the publication date of this determination. Importers will be required to post a cash deposit, bond, or other security in the amount of 14 percent of the f.o.b. value of each such entry or withdrawal.

ITC Notification

We are notifying the U.S. International Trade Commission of this action. 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.

Public Comment

The Department will afford interested parties an opportunity to present oral views in accordance with section 353.47, Commerce Regulations (19 CFR 353.47). This hearing is scheduled to be held, if requested, at the U.S. Department of Commerce, Room 3080, 14th and Constitution Ave., NW., Washington, D.C. 20230, beginning at 10:00 a.m., Friday, April 16, 1982.

Interested parties who desire such a conference should submit a written request for a conference to the Office of the Deputy Assistant Secretary for Import Administration, Room 3099B, at the address shown above. The request should contain: (1) the name, address, and telephone number of the party requesting the conference; (2) the

number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary not later than 10 days after publication of this notice. Any written views filed in accordance with § 353.46(a), Commerce Regulations (19 CFR 353.46(a)), should be filed at the address indicated above in at least 10 copies. Any written views should be filed not later than April 21, 1982.

This preliminary determination is being published pursuant to section 733(b) of the Act (19 U.S.C. 1673(b)) and § 353.39(a)(2) of the Commerce Regulations (19 CFR 353.30(a)(2)).

Dated: March 15, 1982.

Judith Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-5351 Filed 3-19-82; 8:45 am]

BILLING CODE 3510-25-M

Subcommittee on DEC/ISAC Liaison President's Export Council; Notice of Open Meeting

AGENCY: International Trade Administration.

SUMMARY: The President's Export Council was initially established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979, and continued by Executive Order 12258 of December 31, 1980. The Council's purpose is to advise the President on matters relating to United States export trade. The DEC/ISAC Liaison Subcommittee was formed by the Council to co-ordinate exchanges of information between organizations concerned in U.S. exports.

TIME AND PLACE: April 8, 1982, from 12-2:30 p.m. The meeting will take place in the World Colliseum Exhibition Center, 17 East 47th Street, New York, New York 10017.

AGENDA: The agenda will include the following:

- 12-12:45—Luncheon for subcommittee members and participants.
- 12:45—Meeting commences. Welcome and update on PEC Activities—Howard Sloane.
- Export financing—the need to be competitive—Dr. Michael A. Samuels.
- Views on financing by Subcommittee members.
- Comments of District Export Council—James Giffen, Chairman—New York District Export Council.
- Comments and discussion from the floor.

Summary: recommendations and conclusion.

2:30—Adjourn.

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

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mr. Jeffrey Jackson, President's Export Council Staff, Room 2128, U.S. Department of Commerce, Washington, D.C. 20230, Telephone (202) 377-1125.

Dated: March 17, 1982.

Henry Misco,

Acting Director, Office of Policy and Coordination.

[FR Doc. 82-7652 Filed 3-19-82; 8:45 am]

BILLING CODE 3510-25-M

Subcommittee on Trade in Services, President's Export Council; Open Meeting

AGENCY: International Trade Administration.

SUMMARY: The President's Export Council was initially established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979, and continued by Executive Order 12258 of December 31, 1980. The Council's purpose is to advise the President on matters relating to United States export trade. The Services Subcommittee was formed by the Council to study service trade issues.

TIME AND PLACE: April 7, 1982, from 1-4:30 p.m. The meeting will take place in Room 4830 of the U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

AGENDA: The agenda will include the following:

- Welcome and opening remarks.
- Presentations by members on progress of issue research projects, including transborder data flows, DISC, Legislation on Services, and services export promotion.
- Presentation by government representatives on services legislation, data collection and trade negotiations.
- Panel discussion on coordinating U.S. Government policies regarding services exports and development programs.
- Discussion and future plans.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limit number of seats will be available.

To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mr. Jeffrey Jackson, President's Export Council Staff, Room 2128, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-1125.

Dated: March 17, 1982.

Henry Misco,

Acting Director, Office of Policy and Coordination.

[FR Doc. 82-7653 Filed 3-19-82; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement; Washington, D.C. SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a Cooperative Agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning October 1, 1982 in the Washington, D.C. SMSA. The cost of the project is estimated to be \$700,000. The maximum federal participation amount is \$630,000. The minimum amount required for non-federal participation is \$70,000. The project number is 03-10-82002-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 23, 1982.

Applications should be submitted in triplicate and mailed to the following address: Washington Regional Office, Minority Business Development Agency, 1730 K Street, NW., Suite 420, Washington, D.C. 20006. Phone (202) 634-7883.

For further information and/or an application kit contact Ms. Beverly Ivery at (202) 634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas

related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the

MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

- Background credentials and references for the owners of the organization and a capability statement of what the organization can do.
- Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

- List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.
- Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
- Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
- If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer

facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of \$500,000 or less and 25% for firms with gross sales of over \$500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—are charges to the client for assistance provided by BDC.

C. *In-Kind contribution*—represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

- Clear explanations of all expenditures proposed, and
- The extent to which the applicant can leverage federal program funds and operate with *economy and efficiency.*

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. *A Pre-Application conference* to assist all interested applicants will be held at the following address on Tuesday, April 6, 1982 at 10:00 A.M.: U.S. Department of Commerce, 14th and Constitution Ave. NW., Room 6802, Washington, D.C. 20230.

Dated: March 15, 1982.

John F. Iglehart,

Acting Regional Director.

[FR Doc. 82-7644 Filed 3-19-82; 8:45 am]

BILLING CODE 3510-21-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 81-1]

1980 Cable Royalty Fees Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

The April 1, 1982 date for informing the Tribunal of intention to participate in the 1980 Phase I Cable Distribution has been extended to April 26, 1982.

The April 30, 1982 date for (1) proposals providing for procedures whereby the Tribunal could utilize the record of the previous proceedings in the 1980 Phase I distribution proceedings; (2) comments on the legality and feasibility of proposals providing for the Tribunal prior to the termination of the 1980 royalty proceeding to make partial distribution of the royalty fees and (3) comments concerning proposed alteration of the Phase I categories of

claimants established by the Tribunal in the 1979 royalty proceeding has been extended to May 7, 1982.

Reply comments on the May 7, 1982 submissions may be submitted by May 21, 1982.

Dated: March 16, 1982.

Frances Garcia,

Chairman, Copyright Royalty Tribunal.

[FR Doc. 82-7634 Filed 3-19-82; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Draft Environmental Impact Statement (DEIS) for Proposed Water Supply Storage in Abiquiu Reservoir, Rio Chama, New Mexico

AGENCY: Army Corps of Engineers, Albuquerque District, DOD.

ACTION: Correction to notice of intent to prepare a draft environmental impact statement (DEIS).

The notice of intent to prepare a DEIS for proposed water supply storage in Abiquiu Reservoir, New Mexico, was published in the *Federal Register*; Vol. 47, No. 27; Tuesday, February 9, 1982. Under item 4, *Public Review*, the present estimated date that the DEIS will be available for public review is corrected to 15 June 1982.

Julian E. Pylant,

Lieutenant Colonel, EN District Engineer.

March 10, 1982.

[FR Doc. 82-7586 Filed 3-19-82; 8:45 am]

BILLING CODE 3710-KK-M

Office of the Secretary of Defense

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 4, 1982; Tuesday, May 11, 1982; Tuesday, May 18, 1982; and Tuesday, May 25, 1982 at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications,

wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

March 17, 1982.

[FR Doc. 82-7585 Filed 3-19-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP82-221-000]

Columbia Gas Transmission Corp.; Application

March 18, 1982.

Take notice that on March 1, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-221-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and

approval to abandon certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that independent producers have undertaken a gas development program in Boone and Raleigh Counties, West Virginia, the production from which has been dedicated to Applicant. It is further submitted that to date 16 successful wells have been drilled and 95 additional wells are scheduled to be drilled through 1985. It is estimated that the 111 wells would have total recoverable reserves of 55,500,000 Mcf and deliveries are estimated to be 9,300 Mcf of gas per day beginning in 1982, increasing to 17,600 Mcf of gas per day as additional wells are completed.

Applicant proposes to construct and operate approximately 28.2 miles of 8-inch transmission pipeline in Boone, Logan and Wyoming Counties, West Virginia, in order to purchase available gas reserves and transport such volumes to Applicant's KA-VA System at a point of interconnection near the Town of Mullens, Wyoming County, West Virginia. Applicant estimates the cost of the proposed facilities to be \$5,874,000 which would be financed with internally generated funds.

Applicant asserts that after completion of the proposed facilities a portion of its facilities located in Wyoming County, West Virginia, would no longer be used or useful in its operations and, therefore, proposes to abandon 11.7 miles of 6-inch transmission pipeline which parallels a like amount of the 8-inch pipeline proposed for construction herein and the Mullens compressor station which consists of one 220 horsepower unit with related facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7617 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5978-000]

Mr. Gary A. Cromwell; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 17, 1982.

Take notice that on February 12, 1982, Mr. Gary A. Cromwell (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5978) would be located on Diamond Creek 0422 in Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr. Gary A. Cromwell, 2409 South 118th Street, Seattle, Washington 98168.

Project Description—The proposed project would consist of: (1) a 2-foot high diversion structure; (2) a 14-inch diameter, 4,000-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 350 kW; and (4) appurtenant facilities.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to

take or develop the project. Project energy would be sold to a local utility.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State of Washington Department of Fish and Game are requested, for the purposes set forth in section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 6, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7618 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5753-000]

Hydroelectric Development, Inc.; Application for Preliminary Permit

March 17, 1982.

Take notice that Hydroelectric Development, Inc. (Applicant) filed on December 14, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5753 to be known as the Horsetooth Dam Project located on Horsetooth Reservoir and the Charles Hansen Canal in Ft. Collins, Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: CH2M HILL, P.O. Box 22508, Denver, Colorado 80222.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Horsetooth Dam and Reservoir and would consist of: (1) a new powerhouse containing generating units with a total rated capacity of 4,500 kW; (2) 2-miles of 69-kV transmission line; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 14,500,000 kWh. The most likely market

for the derived energy would be a local utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$35,000 to \$40,000.

Competing Applications—This application was filed as a competing application to Energenics Systems Inc's application for Project No. 5644 filed on November 13, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO

INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB, at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7619 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5867-000]

Long Lake Energy Corp.; Application for License (5 MW or Less)

March 18, 1982.

Take notice that Long Lake Energy Corporation (Applicant) filed on January 11, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of a water power project to be known as the Alice Falls Project No. 5867. The project would be located on the Ausable River in Essex and Clinton Counties, New York. Correspondence with the Applicant should be directed to: Paul J. Elston or C. William Carter, Long Lake Energy Corporation, 330 Madison Ave., 7th floor, New York, New York 10017.

Project Description—The proposed project would consist of: (1) the existing stone masonry dam, 80 feet high and 135 feet long; (2) a reservoir with negligible storage, a surface area of 4.8 acres, and a normal water surface elevation of 350 feet msl; (3) a new intake channel; (4) a new 8.5-foot diameter steel penstock 50 feet long; (5) a new powerhouse with one generating unit with a capacity of 1,960 kW; (6) a new tailrace channel; (7) a new switchyard; (8) a new 46-kV transmission line 400 feet long; (9) a new access road and; (10) appurtenant facilities. The Applicant estimates the annual energy production to be 8,920,000 kWh. The Applicant estimates the project cost to be \$4,600,000. The existing project facilities are owned by New York State Electric & Gas Corporation.

Purpose of Project—All project energy would be sold to New York State Electric & Gas Corporation.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 27, 1982, either the competing application itself (see 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c) or 4.101 et seq. (1981).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7260 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3017-001]

**Richard K. Mathews; Peter E. Smith;
Henry M. Fletcher; Application for
Transfer of Minor License**

March 17, 1982.

Take notice that Richard K. Mathews, Peter E. Smith, and Henry M. Fletcher (Applicants) filed on February 19, 1982, an application for transfer of the minor license for the Jetty Lake Hydroelectric Project No. 3017 from Richard K. Mathews to Applicants as joint licensees. The Jetty Lake Project is located in the Borough of Sitka near Port Alexander, Alaska. Correspondence with the Applicant should be directed to: Mr. Richard K. Mathews, Box 758, Port Alexander, Alaska 99836.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7621 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-224-000]

**National Fuel Gas Supply Corp.;
Application**

March 18, 1982.

Take notice that on March 4, 1982, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP82-224-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to replace and/or enlarge existing facilities and for permission and approval to abandon the replaced facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to replace approximately 2.9 miles of the three existing paralleled Lines A, B and D with a single new 16-inch steel line. Applicant states that the replacement, located in Wayne Township, Erie County, Pennsylvania, would begin at Applicant's existing control station CS-23-T and extend southeasterly for approximately 15,400 feet.

Applicant also proposes to abandon the facilities replaced by the proposed construction. It is submitted that Applicant would remove such lines and sell them for scrap.

Applicant estimates the cost of the proposed construction to be \$877,000 which would be financed with internally generated funds and/or interim short-term bank loans.

Applicant avers that its Lines A, B and D constitute the major transmission pipeline rendering service to Applicant's substantial market area in Erie, Pennsylvania. It is submitted that replacement is the most economical means of maintaining such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority conferred 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 petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7622 Filed 3-19-82; 8:45 am]

BILLING CODE 6710-01-M

[Project No. 5261-001]

**Newbury Hydro Co.; Application for
License (5 MW or Less)**

March 18, 1982.

Take notice that Newbury Hydro Company (Applicant) filed on December 17, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of a water power project to be known as the Newbury Project No. 5261. The project would be located on the Wells River in Orange County, Vermont. Correspondence with the

Applicant should be directed to: L. Macrae Rood, Box 142, Warren, Vermont 05674.

Project Description—The proposed project would consist of: (1) the existing concrete gravity dam 20 feet high and 60 feet long; (2) a reservoir with negligible storage capacity, a surface area of 11.4 acres, and a normal pool elevation of 463.87 feet msl; (3) an existing headgate; (4) an existing 5-foot diameter penstock 380 feet long; (5) the existing powerhouse with 1 existing generating unit and 1 new generating unit with a total capacity of 334 kW; (6) an existing tailrace; and (7) appurtenant facilities. The Applicant estimates the annual average energy production would be 1,865,160 kWh. The existing project facilities are owned by Corning Fiber, Inc. and Maury Wallace.

Purposed of Project—All project energy would sold to Central Vermont Public Service Corporation.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 27, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file a competing application no later than the time specified in 4.33(c) or 4.101 et. seq. (1981).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition

to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 27, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7623 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5050-001]

New Hampshire Water Resources Board; Application for Preliminary Permit

March 17, 1982.

Take notice that the New Hampshire Water Resources Board (Applicant) filed on September 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5050 to be known as the Mascoma Lake Project located on the Mascoma River in Grafton County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: The New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301.

Project Description—The proposed project would consist of: (1) the existing 12-foot high, 250-foot long Mascoma Dam. The dam is owned by the New Hampshire Water Resources Board; (2) the existing 115-acre Mascoma Lake Reservoir; (3) a proposed penstock; (4) a proposed powerhouse with an installed capacity of 160 kW; and (5) appurtenant

works. The Applicant estimates that the average annual output would be 820,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be \$50,000.

Competing Applications—This application was filed as a competing application to the Mascoma Power Company's application for Project No. 4578 filed on April 23, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the

above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB, at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7624 Filed 3-19-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6029-000]

Pacific Power & Light Co. and the City of Shady Cove, Oregon; Application for Preliminary Permit

March 18, 1982.

Take notice that Pacific Power & Light Company and the City of Shady Cove (Applicant) filed on February 25, 1982 an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6029 to be known as the Prospect No. 5 Hydroelectric Project located on the Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Leighton and Sherline, 1701 K St. N.W., Washington, D.C. 20006; Stoel Rives, Boley, Fraser and Wyse, Attention: Thomas N. Nelson, Esq. 900 S.W. Fifth Avenue, Portland, Oregon 97204; and Mr. James Griffith, Mayor, P.O. Box 8, Shady Cove, Oregon 97539.

Project Description—The proposed project would consist of: (1) a 35-foot high diversion dam forming a small pond with a surface elevation of 1,982.5 feet; (2) a 7,350-foot long conduit; (3) two 9.5-foot diameter, 170-foot long penstocks; (4) a powerhouse containing two generating units with a total rated capacity of 11,000 kW, and an estimated average annual energy production of 73,000,000 KWh, and (5) a 3,000-foot long transmission line. The proposed project would affect U.S. lands under the jurisdiction of the Corps of Engineers.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a 30 month permit to prepare a definitive project

report including preliminary designs and results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environment impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicants to be \$500,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 27, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 27, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate.)

Submission of a timely notice of intent to file an application for preliminary permit, allows and interested person to file an acceptable competing application for preliminary permit no later than July 26, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7625 Filed 3-19-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5979-000]

William A. and Kenneth A. Powers; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 17, 1982.

Take notice that on February 11, 1982, William A. and Kenneth A. Powers (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5979) would be located on I Coulee River, Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Mr. W. A. Powers, Route #4, Box 223B, Buhl, Idaho 83316 and Mr. K. A. Powers, P.O. Box 288, Filer, Idaho 83328.

Project Description—The proposed project would consist of: (1) a 3-foot high, 12-foot wide diversion/inlet structure; (2) a 30-inch diameter, 1,765-foot long penstock; (3) a powerhouse containing a turbine-generating unit with a total rated capacity of 300 KW; and (4) appurtenant facilities.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project. Project

energy would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 6, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a

party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7626 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5892-000]

City of Preston, Idaho; Application for Exemption of Small Conduit Hydroelectric Facility

March 17, 1982.

Take notice that on January 15, 1982, City of Preston, Idaho (Applicant) filed an application under Section 30 of the Federal Power Act, (16 U.S.C. section 823(a)), for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Preston Hydropower Project (FERC Project No. 5892) would be located on the Applicant's existing water transmission line, in Franklin County, in Preston, Idaho. Correspondence with the Applicant should be directed to: Mr. Kenneth L. Spiers, Forsgren-Perkins Engineering, 95 West 100 South, Suite 100, Logan, Utah 84321.

Purpose of Project—Power produced by the proposed project will be used by the City's electric customers.

Project Description—The proposed project would consist of: (1) a 12-inch diameter bypass pipeline; (2) a powerhouse containing a single generating unit with a rated capacity of 410 kW; and (3) a discharge pipeline to Glendale Reservoir.

Agency Comments—The U.S. Fish and Wildlife Service and the State of Idaho Department of Fish and Game are requested, pursuant to section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7616 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6002-000]

Public Utility District No. 1 of Jefferson County; Application for Preliminary Permit

March 18, 1982.

Take notice that Public Utility District No. 1 of Jefferson County (Applicant) filed on February 19, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6002

to be known as the Elkhorn Hydroelectric Project located on Dosewallips River within Olympic National Forest in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. R. Kint, Manager, Public Utility District No. 1 of Jefferson County Courthouse, Jefferson & Cass Streets, Port Townsend, Washington, 98368.

Project Description—The proposed project would consist of: (1) a 6-foot high diversion weir; (2) a 10-foot diameter, 7,390-foot long conduit; (3) a 8.2-foot diameter, 690-foot long penstock; (4) a turbine-generating unit with a rated capacity of 10.4 MW; and (5) a 11-mile long, 115-kV transmission line connecting to an existing Pacific Northwest Utility line. The applicant estimates a 45.6 GWh average annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be \$150,000. Power would be sold to Pacific Northwest Utility.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 27, 1982, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 27, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary

permit, allows an interested person to file an acceptable competing application for preliminary permit no later than July 26, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protest, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-7627 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6003-000]

Public Utility District No. 1 of Jefferson County; Application for Preliminary Permit

March 18, 1982.

Take notice that Public Utility District

No. 1 of Jefferson County (Applicant) filed on February 19, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6003 to be known as the Watson Creek Hydroelectric Project located on Watson Creek partially within Olympic National Forest in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kint, Manager, Public Utility District No. 1 of Jefferson County, Jefferson County Courthouse, Jefferson and Cass Street, Port Townsend, Washington 98368.

Project Description—The proposed project would consist of: (1) a 6-foot high concrete diversion weir; (2) a 1.4-foot diameter, 4,000-foot long power intake conduit; (3) a 1.4-foot diameter, 4,000-foot long penstock; (4) a turbine-generating unit with a rated capacity of 973 kW; and (5) a 4-mile long 115-kV transmission line connecting to an existing Bonneville Power Administration line. The Applicant estimates a 3.6 GWh annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, geological, environmental and economic feasibility studies. The cost of the forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be \$85,000. Power would be sold to Pacific Northwest Utility Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 27, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 27, 1982, and should specify the type of application

forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than July 26, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7628 Filed 3-19-82; 8:45 am]

BILLING CODE 6710-01-M

[Project No. 6026-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Preliminary Permit

March 17, 1982.

Take notice that Public Utility District No. 1 of Lewis County, Washington (Applicant) filed on February 25, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6026 to be known as the Tatoosh Range Waterpower Project located on Muddy Fork of the Cowlitz River in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary H. Kalich, Manager, Public Utility District No. 1 of Lewis County, Post Office Box 330, Chehalis, Washington 98532.

Project Description—The proposed project would consist of: (1) a 100-foot long, 12-foot high diversion structure; (2) a 14,800-foot long, 84-inch diameter diversion power conduit; (3) a 800-foot long, 84-inch diameter steel penstock; (4) a powerhouse with a total installed capacity of 11.4 MW; and (5) a 2.1-mile long, 115-kV transmission line from the powerhouse to an existing transmission line. The proposed project is entirely located on U.S. Federal lands owned by Gifford Pinchot National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be \$300,000.

Competing Applications—This application was filed as a competing application to Western Power, Incorporated's application for Project No. 5443 filed on October 2, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR

4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7629 Filed 3-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6027-000]

Public Utility District No. 1 of Lewis County, Washington; Application for Preliminary Permit

March 18, 1982.

Take Notice that Public Utility District No. 1 of Lewis County, Washington (Applicant) filed on February 25, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6027 to be known as the Cortright Creek Waterpower Project located on Cortright

Creek in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Gary H. Kalich, Manager, Public Utility District No. 1 of Lewis County, Post Office 330, Chehalis, Washington 98532.

Project Description—The proposed project would consist of: (1) a 50-foot long, 6-foot high diversion structure; (2) a 17,400-foot long, 36-inch diameter diversion conduit; (3) a 1,900-foot long, 36-inch diameter steel penstock; (4) a powerhouse with a total installed capacity of 5.8 MW; and (5) a 0.8-mile long, 115-kV transmission line from the powerhouse to the Summit Creek Power Project transmission line. The proposed project is entirely located on U.S. Federal lands owned by the Gifford Pinchot National Forest.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be \$200,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 27, 1982, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before May 27, 1982, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Submission of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than July 26, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the

Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7630 Filed 3-19-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 3071-001]

Rapidan Redevelopment Ltd.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

March 17, 1982.

Take notice that on January 25, 1982, Rapidan Redevelopment Ltd. (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 3071) would be located on the Blue Earth River in Blue

Earth County, Minnesota.

Correspondence with the Applicant should be directed to: Mr. Kenneth Lever, Rapidan Redevelopment Ltd., PH-06, 6566 France Avenue South, Minneapolis, Minnesota 55435.

Project Description—The Applicant's proposed project would consist of: (1) an existing 414-foot long and 82.5-foot high dam; (2) an existing reservoir with a proposed storage capacity of 8,320 acre-feet at maximum pool elevation 872.7 feet msl; (3) an existing powerhouse with a maximum installed capacity of 4.9 MW; and (4) appurtenant facilities. The annual generation is estimated to be 16.1 GWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Minnesota, Department of Natural Resources, Division of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 6, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license

application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before May 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Do. 82-7631 Filed 3-19-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-214-000]

Western Gas Interstate Co.; Application

March 18, 1982.

Take notice that on February 26, 1982, Western Gas Interstate Company (Applicant), 1800 First International

Building, Dallas, Texas 75270, filed in Docket No. CP82-214-000 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 natural gas facilities in Texas County, Oklahoma, to increase sales of natural gas to Southern Union Gas Company (Southern Union) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is presently authorized to make sales of gas off its East Line which runs from Texhoma, Texas, in a generally northeasterly direction to Beaver, Oklahoma, to Southern Union. It is further submitted that part of such sales are made at the Optima Border Station, Texas County, Oklahoma, whereupon Southern Union sells the gas to meet its various distribution requirements in the area of Optima, Oklahoma.

Applicant proposes to make additional sales of natural gas to Southern Union at the Optima Border Station which would be sold by Southern Union to the Calorific Recovery Anaerobic Process Plant in Optima. Applicant estimates that the plant would require deliveries of 240 Mcf of gas on peak days and 195 Mcf on average days raising volumes needed to meet Southern Union's customer demands at the Optima Border Station to 360 Mcf of gas on peak days and 329 Mcf on average days.

Applicant asserts that its present facilities at the Optima Border Station are not adequate to serve the additional volumes to Southern Union and, therefore, proposes to install one 4-inch T-18 turbine meter, one Temcorrecor Type I and three 1-inch double seat valve assemblies, replacing the meter and temcorrecor presently in place at the Optima Border Station.

Applicant estimates the cost of such facilities to be approximately \$3,292 which cost would be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-7632 Filed 3-19-82; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-4-FRL-2080-5]

Delegation of Authority to Kentucky, Mississippi, and North Carolina

AGENCY: Environmental Protection Agency.

ACTION: Informational notice.

SUMMARY: On October 30, 1981 the Commonwealth of Kentucky requested a Delegation of Authority for the implementation and enforcement of the NSPS for ammonium sulfate manufacture. The State of Mississippi requested full delegation of authority for implementation and enforcement of the NSPS and NESHAPS programs on September 8, 1981. On April 16, 1981, North Carolina requested a delegation of authority to administer the NSPS for electric utility steam generating units and stationary gas turbines. Since EPA's review of pertinent state laws and rules and regulations showed them to be adequate for the implementation and enforcement of these Federal standards, the Agency has made the delegations as requested.

EFFECTIVE DATE: The effective dates of the delegations of authority to Kentucky,

Mississippi, and North Carolina are January 8, 1982, November 30, 1981, and December 4, 1981, respectively.

ADDRESSES: Copies of the requests for delegation of authority and EPA's letters of delegation are available for public inspection at EPA's Region IV office, 345 Courtland Street, NE., Atlanta, Georgia 30365.

All reports required pursuant to the newly delegated standards should not be submitted to the EPA Region IV office, but should instead be submitted to the following addresses:

In Kentucky the reports should be submitted to: Mr. Norman E. Schell, Director, Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, 18 Reilly Road, Bldg. #2, Ft. Boone Plaza, Frankfort, Kentucky 40601.

In Mississippi the reports should be submitted to: Mr. Dwight Wylie, Chief, Air Quality Control, Bureau of Pollution Control, P.O. Box 10385, Jackson, Mississippi 39209.

In North Carolina the reports should be submitted to: Mr. D. Marshall Rackley, Chief, Air Quality Section, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, 512 N. Salisbury Street, P.O. Box 27687, Raleigh, North Carolina 27611.

SUPPLEMENTAL INFORMATION: Section 301, in conjunction with sections 101, 110, 111, and 112 of the Clean Air Act, authorizes the Administrator to delegate his authority to implement and enforce the National Standards or Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) regulations to any State which has submitted adequate implementation and enforcement procedures.

On April 12, 1977, EPA delegated to the Commonwealth of Kentucky the authority for implementation and enforcement of the NSPS. On November 12, 1980 EPA promulgated NSPS for ammonium sulfate manufacture. On October 30, 1981, the Kentucky Department for Natural Resources and Environmental Protection requested a delegation of authority to implement and enforce the applicable NSPS for ammonium sulfate manufacturing facilities codified as 40 CFR Part 60, Subpart PP. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for this source category with the conditions set forth in the original delegation letter of April 12, 1977, and granted the State's request in a letter dated January 8, 1982.

Kentucky sources which are subject to the requirements of Subpart PP of 40 CFR Part 60 will now be under the jurisdiction of the Commonwealth of Kentucky.

On September 8, 1981, the EPA Region IV office received a letter from the Mississippi Department of Natural Resources requesting full delegation of authority for the implementation and enforcement of the NSPS and NESHAPS programs. After a thorough review of the request and information submitted, the Regional Administrator determined that for the source categories detailed in the official letter of request, delegation was appropriate, subject to the conditions set forth therein. Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator formally notified the Executive Director of the Mississippi Department of Natural Resources in a letter dated November 30, 1981, that his request for delegation of NSPS and NESHAPS was granted. Mississippi sources subject to the requirements of 40 CFR Parts 60 and 61 are now under the jurisdiction of the State of Mississippi.

EPA delegated to North Carolina the authority for implementation and enforcement of the NSPS on November 24, 1978. On June 11, 1979, EPA promulgated NSPS for electric utility steam generating units for which construction is commenced after September 18, 1978, and on September 9, 1979 NSPS regulations were promulgated for stationary gas turbines. On April 16, 1981, the North Carolina Division of Environmental Management requested a delegation of authority to implement and enforce the applicable NSPS for electric utility steam generating units and statutory gas turbines codified as 40 CFR Part 60, Subparts Da and GG respectively. After a thorough review of the request and information submitted the Regional Administrator determined that such delegation was appropriate for these source categories with the conditions set forth in the original letter and granted the State's request in a letter dated December 4, 1981. North Carolina sources which are subject to the requirements of Subparts Da and GG of 40 CFR Part 60 will now be under the jurisdiction of the State of North Carolina.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a regulatory impact analysis. This delegation is not a major rule because it does not result in additional cost to industry or to consumers. This regulation was submitted to the Office of Management and Budget (OMB) for

review as required by Executive Order 12291.

This notice is issued under the authority of Sections 101, 110, 111, 112 and 301 of the Clean Air Act, as amended (42 U.S.C. 401, 7410, 7411, 7412, and 7601).

Dated: March 5, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-7846 Filed 3-19-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 1, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T-3602-1.

Filing party: David W. Kienzle, Staff Counsel, Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.

Summary: Agreement No. T-3602-1, between the Toledo-Lucas County Port Authority (Port) and Cargill, Incorporated (Cargill), amends the basic lease between the parties which

provides for the Port's lease to Cargill of certain premises at Toledo, Ohio for the construction of a grain elevator and adjacent dock. The amendment provides for improvements to be made to the real property conveyed under the original lease. No additional property is leased under the amendment. The agreement does not place tariffs or controls on the economic activities of Cargill. The improvements are to be accomplished from the proceeds of the 1982 bonds.

By Order of the Federal Maritime Commission.

Dated: March 17, 1982.

Francis C. Hurney,
Secretary.

[FR Doc. 82-7651 Filed 3-19-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Kansas State Financial Corp.; Formation of Bank Holding Company

Kansas State Financial Corporation, Wichita, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.64 percent or more of the voting shares of Kansas State Bank and Trust Company, Wichita, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or 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 April 11, 1982. 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, March 16, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-7560 Filed 3-19-82; 8:45 am]

BILLING CODE 6210-01-M

Kansas State Financial Corp.; Acquisition of Bank

Kansas State Financial Corporation, Wichita, Kansas, has 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 24.9 percent

or more of the voting shares and 100 percent of the nonvoting shares of Central Financial Corporation, a proposed bank holding company located in Wichita, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or 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 April 11, 1982. 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, March 16, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-7561 Filed 3-19-82; 8:45 am]

BILLING CODE 6210-01-M

Central Financial Corp.; Formation of Bank Holding Company

Central Financial Corporation, Wichita, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.83 percent or more of the voting shares of Central Bank & Trust, Wichita, Kansas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or 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 April 11, 1982. 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, March 16, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-7562 Filed 3-19-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 9, 1982.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank Limited* and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (commercial finance; Oregon, Washington and Alaska): To engage through their subsidiary, *Barclays American/Business Credit, Inc.*, from an office in the Orbanco Building, Suite 1000, Office #24, 101 Southwest Fifth Avenue, Portland, Oregon, in marketing commercial loans to customers in Oregon, Washington and Alaska.

2. *Citicorp*, New York, New York (reinsurance activities; Belgium, France, Germany, Italy and the United Kingdom): To engage through its indirect

subsidiary, Family Guardian Life Insurance Company, Phoenix, Arizona, in the activity of reinsuring credit life and credit accident and health insurance which is related to extensions of credit by Citicorp subsidiaries located outside the United States. These activities would be conducted in connection with extensions of credit by Citicorp subsidiaries operating in the countries of Belgium, France, Germany, Italy, and the United Kingdom.

3. *Manufacturers Hanover Corporation*, New York, New York (financing and credit related insurance activities; North Carolina): To continue to hold the shares of Finance One Mortgage of North Carolina, Inc. ("Finance One Mortgage") after Finance One Mortgage establishes a *de novo* office from which Finance One Mortgage would engage in the activities of arranging, making, or acquiring for its own account or for the account of others, consumer loans and home equity loans such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single and joint credit life and credit accident and health insurance which is directly related to such loans and extensions of credit, and from which Finance One Mortgage would engage in the activities of purchasing installment sales finance contracts, and acting as agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit. These activities would be conducted from a *de novo* office located at 6623 Executive Circle, Suite 102, Charlotte, North Carolina 28212 serving the following counties: Mecklenburg, Union, southern Iredell, Davidson, western Cabarrus, Gaston, and eastern Lincoln.

4. *Ramapo Financial Corporation*, Wayne, New Jersey (leasing and commercial finance activities; New York City metropolitan area; northern New Jersey): To engage, through its subsidiary, *Ramapo Trading Corporation*, in making or acquiring leases of personal property; discounting or rediscounting such leases; making or acquiring loans or other extensions of credit such as would be made by a commercial finance company, including commercial loans secured by a borrower's inventory, accounts receivable, or other assets; and servicing such loans for others. These activities will be conducted from the corporate headquarters of *Ramapo Financial Corporation* in Wayne, New Jersey,

serving the New York City metropolitan area and northern New Jersey.

B. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Philadelphia National Corporation, Philadelphia, Pennsylvania (mortgage lending activities; Texas): To engage, through its subsidiary, *Colonial Mortgage Service Company, Associates, Inc.*, Philadelphia, Pennsylvania, in the origination of FHA, VA and conventional residential mortgage loans and second mortgage loans at *de novo* offices located in Corpus Christi, Texas, and San Antonio, Texas. The Corpus Christi office will serve the counties of Nueces, San Patricio, and Kleberg, all in Texas; and the San Antonio office will serve the counties of Bexar, Comal and Guadalupe, all in Texas.

C. *Federal Reserve Bank of Cleveland* (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Society Corporation, Cleveland, Ohio (providing management consulting advice to non-affiliated banks; Ohio, Indiana, Michigan, Pennsylvania, Kentucky and West Virginia); To engage directly in providing management consulting advice, relating to bank personnel operations, including salary administration, training and development, and EEO compliance, to non-affiliated banks. This activity would be conducted from offices at 126 Public Square, Cleveland, Ohio, serving Ohio, Indiana, Michigan, Pennsylvania, Kentucky and West Virginia.

D. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Maryland National Corporation, Baltimore, Maryland (leasing, insurance and financing activities; California); To engage through its subsidiary, *Maryland National Leasing Corporation*, in the following activities: Engaging generally in the business of leasing personal property (including, but not limited to, the leasing of various types of equipment, machinery, vehicles, transportation equipment, and data processing equipment and including conditional sales contracts and chattel mortgages) where the lease is the functional equivalent of an extension of credit; Originating and servicing personal property leases as principal or agent; Buying, selling and otherwise dealing in personal property lease contracts as principal of agent; Acting as adviser in personal property leasing transactions; Engaging in the sale, as agent or broker, of insurance similar in form and intent to credit life and/or

mortgage redemption insurance; Engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit; Originating real property leases as principal or agent; Servicing real property leases for affiliated or nonaffiliated individuals, partnerships, corporations or other entities; Buying, selling and otherwise dealing in real property leases as principal, agent or broker; Acting as adviser in real property leasing transactions; Engaging generally in commercial landing operations including, but not limited to, secured and unsecured commercial loans and other extensions of credit to commercial enterprises; and Acting as advisor or broker in commercial lending transactions. These activities would be conducted from offices in Hayward and Sherman Oaks, California. The geographic area to be served will be the western United States including, but not limited to, the States of California, Oregon, Washington, Arizona, New Mexico, Nevada, Utah, Colorado, Idaho, Montana and Wyoming.

E. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Northern Trust Corporation, Chicago, Illinois (lending activities; United States); To engage directly in making or acquiring, for its own account or for the account of others, loans and other extensions of credit. These activities would be conducted from offices in Chicago, Illinois to serve the entire United States and all other nations of the world. Comments on this application must be received not later than April 2, 1982.

F. *General Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Bancorp Hawaii*, Honolulu, Hawaii (financing, industrial loan, insurance activities; Hawaii): To engage through its subsidiary, *Bancorp Finance of Hawaii, Inc.*, in operating an industrial bank as authorized by Hawaii law, including making and acquiring loans and other extensions of credit such as would be made by an industrial bank; and acting as agent or broker in the sale of credit-related accident and health insurance. These activities would be conducted from a *de novo* office located at 98-1264 Haahumanu Street, Pearl City, Waimalu, Oahu, serving the southern side of Oahu, Hawaii. Comments on this application must be received not later than April 2, 1982.

2. *Seafirst Corporation*, Seattle Washington (commercial finance activities; Minnesota and Alaska): To engage through Seafirst Commercial Corporation in making or acquiring loans and other extensions of credit including commercial loans secured by a borrower's inventory, accounts receivable, capital equipment or other assets; servicing loans; and leasing personal property. These activities would be conducted through a sales representative in Anchorage, Alaska, serving the State of Alaska and an office in Minneapolis, Minnesota, serving the State of Minnesota.

G. **Other Federal Reserve Banks:**
None.

Board of Governors of the Federal Reserve System, March 16, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-7588 Filed 3-19-82; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

California; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual 220.2.1 G, the following described lands are hereby defined as the Westmorland known geothermal resources area, effective July 30, 1980.

(5) California

Westmorland Known Geothermal Resources Area

San Bernardino Meridian, California

T. 13 S., R. 13 E.,

Sec. 9, E $\frac{1}{2}$, also described as lots 1, 2, 11 through 15, 25 through 30, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 10, all;

Sec. 11, NW $\frac{1}{4}$, S $\frac{1}{2}$ also described as lots 3 through 7, 14 through 29, N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 14, N $\frac{1}{2}$, SW $\frac{1}{4}$, also described as lots 1 through 16, 19 through 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 15, all;

Sec. 16, E $\frac{1}{2}$, also described as lots 1, 2, 14 through 18, 27 through 31, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 22, N $\frac{1}{2}$, also described as lots 1 through 21;

The area described aggregates 3,200 acres, more or less.

Dated: March 15, 1982

Eddie R. Wyatt,

Deputy Chief, Onshore Minerals Management.

[FR Doc. 82-7642 Filed 3-19-82; 8:45 am]

BILLING CODE 4310-MR-M

Determination of Acceptability of a Blowout Preventer in a Hydrogen Sulfide Environment

AGENCY: Minerals Management Service, Interior.

ACTION: Notification of a determination of acceptability of a blowout preventer for use in a hydrogen sulfide environment.

SUMMARY: The purpose of this Notice is to provide notification of a determination by the Minerals Management Service (MMS) of acceptability of a certain ram-type blowout preventer manufactured for use in an H₂S environment.

Paragraph 8 of Outer Continental Shelf (OCS) Order No. 2 requires adherence to OCS Standard GSS-OCS-1 entitled "Safety Requirements For Drilling Operations In A Hydrogen Sulfide Environment." This document in turn, through various other document references, requires that blowout preventers (BOP's) meet the requirements of the National Association of Corrosion Engineers (NACE) Standard MR-01-75.

Through discussion with industry personnel in September 1981, the MMS found that some confusion existed over whether certain pre-April 1978 ram-type BOP's met the above NACE standard. For BOP's manufactured before April 1978 for H₂S resistance, the stated NACE standard provides no detailed metallurgical requirements for the rams portion. Without such a guide, the manufacturer is left to determine his own metallurgical makeup for H₂S resistance. As might be expected, the metallurgical design for the pre-April 1978 BOP's differs from the design established in the NACE standard which became effective in April 1978.

The OCS Standard GSS-OCS-1, issued February 1976 and amended March 1977, is the key document in this matter. It refers BOP manufacturers to the pre-April 1978 version of NACE Standard MR-01-75 for metallurgical design. When using pre-April 1978 ram-type BOP's in H₂S environments, the MMS may require documentation from the operator that the BOP's, in total, meet the pre-April 1978 NACE Standard MR-01-75.

The NACE Standard MR-01-75, issued April 1978, provides specific

metallurgical guidelines for the manufacture of all parts of H₂S-resistant BOP's. It leaves little discretion to the manufacturer. When using post-April 1978 ram-type BOP's in H₂S environments, the operator should require documentation that the BOP's, in total, meet the April 1978 NACE Standard MR-01-75 or later versions. However, this cannot be considered an MMS requirement until OCS Standard GSS-OCS-1 is revised. When OCS Standard GSS-OCS-1 is revised, it will require adherence to the most current version of the NACE Standard MR-01-75 with an appropriate grandfather clause to include earlier H₂S-resistant models.

Through a survey of drilling rigs in late 1981, the MMS determined that pre-April 1978 ram-type BOP's manufactured for H₂S resistance had performed without failure in H₂S-prone areas. Also, the MMS determined that such BOP's could be identified by the manufacturer as H₂S resistant if presented with appropriate purchase papers. With this background, the MMS stands on the pre-April 1978 NACE Standard MR-01-75 as the standard required by OCS Order No. 2.

FOR FURTHER INFORMATION CONTACT: U.S. Department of the Interior, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 640, Reston, Virginia 22091, telephone (703) 860-6831.

Dated: March 15, 1982.

Richard B. Krah,

Acting Deputy Chief, Offshore Minerals Management.

[FR Doc. 82-7645 Filed 3-19-82; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules

provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.24(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 protest as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or

grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: March 8, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Aagatha L. Mergenovich,

Secretary.

MC-F-14812, filed February 26, 1982.

RATNER ENTERPRISES, INCORPORATED (Ratner) (5501 West 79 Street, Burbank, IL 60459)—Control—Red Arrow Securities Corporation (Red Arrow) (3901 Seguin Road, San Antonio, TX 78297). Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Ratner, a non-carrier holding company, seeks authority to acquire control of the interstate operating rights and property of Red Arrow, a non-carrier, and in turn, Red Arrow Freight Lines, Inc. and Red Arrow Heavy Hauling, Inc., through the purchase by Ratner of up to 100% but not less than 92% of all the issued and outstanding capital stock of Red Arrow. Milton D. Ratner, sole stockholder of Ratner seeks to acquire control of Red Arrow through the transaction. Red Arrow controls Red Arrow Freight Lines, Inc. (Freight) and Red Arrow Heavy Hauling, Inc. (Heavy). Freight is authorized to operate pursuant to certificates issued in MC-2226 and sub-numbers thereunder, transporting general and specific commodities over regular and irregular routes between points in Texas. Heavy is authorized to operate pursuant to certificates issued in MC-102162 and sub-numbers thereunder transporting specified commodities over irregular routes between points in Texas. Ratner controls Rentar Industries, Inc., a non-carrier holding company, which in turn controls Midwest Emery Freight Systems, Inc. (Midwest) and Hi Cube Contract Carrier Corp. (Hi Cube). Midwest is authorized to operate pursuant to certificates issued in MC-114019 and sub-numbers thereunder transporting general commodities over irregular routes between points in the U.S. Hi Cube a motor contract carrier is authorized to operate pursuant to permits issued in MC-148647 and sub-numbers thereunder transporting general and specific commodities between points in the U.S. Midwest controls Belford Trucking Co., Inc., (Belford) and Little Audrey's Transportation Company, Inc. (Little Audrey). Belford is authorized to operate pursuant to certificates issued in MC-105813 and sub-numbers thereunder transporting commodities generally dealt in or used by food business houses

and similar business between points in the U.S. Little Audrey is authorized to operate under certificates issued in MC-108053 and sub-numbers thereunder to transport general commodities between points in the U.S. Condition: Before a Notice of Effectiveness will be issued in MC-F14812, Rentar Industries, Inc. will be required to file an application under 49 U.S.C. 11301 and 11302 for approval for the issuance of securities involved in this transaction.

MC-F-14810, filed February 19, 1982. **ARTHUR M. GOLDBERG (GOLDBERG)** (130 Davidson Avenue, Somerset, NJ 08873)—Continuance in control—Gold Star, Inc. (Gold) (Same address as above). Representative: A. David Millner, P.O. Box Y-7 Farm Road, Roseland, NJ 07068. Goldberg seeks authority to continue in control of Gold, as a motor contract carrier, in interstate or foreign commerce. Gold's first permit was issued July 24, 1980, to operate as a contract carrier, over irregular routes, transporting (1) *such commodities* as are dealt in by wholesale, retail and chain grocery and good business houses, and (2) *materials, equipment, and supplies* used in the conduct of such business, between points in Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee, under continuing contract(s) with the Great Atlantic and Pacific Tea Company, Inc. of Montvale, NJ. Goldberg also controls Transco Group, Inc., a non-carrier which controls Gross & Hecht Trucking, Inc., a motor contract carrier which holds authority in MC-59806 and sub-numbers thereunder to transport *foodstuffs, such commodities* as are dealt in or used by (a) grocery, food, drug, and liquor business houses, and (b) department stores, and non-exempt food or kindred products, between points in the U.S. Applicant also controls East Alpine Corp., a non-carrier which controls Mountainside Transport, Inc., a motor contract carrier which holds authority in MC-13267 and sub-numbers thereunder to transport *specific and general commodities* between points in the U.S.

[FR Doc. 82-7590 Filed 3-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions Volume No. 239; Restriction Removals

Decided: March 15, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.
Agatha L. Mergenovich,
Secretary.

MC 60576 (Sub-1)X, filed March 3, 1982. Applicant: WORCESTER CITY DELIVERY, INC., Valley Street, Spencer, MA 01562. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Lead: Broaden territorial description: off-route points in Massachusetts within 10 miles of Worcester, those within 10 miles of Boston, and those within 5 miles of the U.S. Hwy 20 and MA Hwy 9 between Worcester and Boston to all off-route points in Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, MA.

MC 66571 (Sub-13)X, filed August 17, 1981, previously published September 4, 1981, republished as follows: Applicant: RED LINE, INC., 2310 Orange Ave., N.E., Roanoke, VA 24168. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant previously broadened its Sub-Nos. 8F, 9F, and 10F certificates. It now seeks to change city to county-wide authority: from Bristol, PA, South Kearney and Hackensack, NJ and New Castle, DE to Bucks County, PA, Burlington, Essex, Hudson, Bergen, Passaic and Salem Counties, NJ, Bronx and New York Counties, NY, and New Castle County, DE in Sub-No. 8F. Several of these counties were omitted in the original publication.

MC 98187 (Sub-6)X, filed March 1, 1982. Applicant: WALDRON TRUCK LINES, INC., 443 North 47th St., Fort Smith, AR 72903. Representative: Max G. Morgan, P.O. Box 2650, Edmond, OK 73083. Subs 3 and 5F: (1) authorize service at all intermediate points (regular routes), Sub 3 (part 1) and 5 (part 3); and (2) remove "originating at, destined to or interchanged at" restriction, Sub 3.

MC 134925 (Sub-5)X, filed April 6, 1981, previously noticed in the Federal Register of April 27, 1981, republished as follows: Applicant: CUMMINGS TRUCKING COMPANY, INC., 1321 7th Ave., North, Birmingham, AL 35202. Representative: Lewis Cummings, Jr. (same address as applicant). As is pertinent here, applicant seeks to broaden its Sub-No. 5X* certificate by broadening the territorial description to Bibb, Chilton, Fayette, Greene, Hale, Jefferson, Lamar, Perry, Pickens, Shelby, Sumter, and Walker Counties, AL, from Tuscaloosa, AL, and 50 mile radius. The certificate issued in this proceeding failed to encompass this revision. The purpose of this republication is to correct this inadvertent omission.

MC 146233 (Sub-4)X, filed February 22, 1982. Applicant: BOBBY REEVES CO., INC., P.O. Box 576, Calhoun, GA 30701. Representative: Mark S. Gray, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303. Lead: broaden the territorial authority to between points in the U.S. (except AK and HI), under continuing contract with named shipper.

MC 148788 (Sub-5)X, filed February 12, 1982. Applicant: HARDEE'S TRANSPORT, INC., P.O. Box 26159, Jacksonville, FL 32218. Representative: Norman J. Bolinger, 3100 University Blvd. South, Jacksonville, FL 32216. Sub-No. 4: (1) delete intermodal container restriction in part 1; (2) remove prior or subsequent movement by water restriction in part 1; (3) include the exception of classes A and B explosives in its general commodity authority in part 1.

MC 150069 (Sub-2)X, filed November 17, 1981, previously noticed in the Federal Register of December 3, 1981, republished as follows: Applicant: RARITAN TRANSPORTATION SERVICES, INC., P.O. Box 1384, Nixon Station, Edison, NJ 08817. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006. Sub 1F: (1) broaden Perth Amboy, NJ, to Middlesex, Monmouth and Union Counties, NJ, and Richmond, Bronx, Kings, Queens, and New York Counties, NY. The purpose of this republication is to include the five NY

counties, which were not included in the original "X" certificate draft.

MC 150378 (Sub-3)X, filed February 22, 1982. Applicant: CHASE EXPRESS, INC., 22410 72nd Avenue South, Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. Sub 2F certificate, remove ex-water restriction in general commodity authority between points in Washington and Oregon.

[FR Doc. 82-7592 Filed 3-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the

application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP2-49

Decided: March 4, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 682 (Sub-33), filed February 24, 1982. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31807. Representative: David Earl Tinker, 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036-5391, 202-887-5868.

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 (a) Atlanta Provision Company, of Atlanta, GA and (b) Hallmark Cards, Inc., of Liberty, MO.

MC 14702 (Sub-93), filed February 16, 1982. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482-0808. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614-228-8575. Transporting *metal products*, between points in Vigo County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 52793 (Sub-93), filed February 12, 1982. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312-547-2184. Transporting *general commodities* (except classes A and B explosives and

household goods and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Eastman Kodak Company, of Rochester, NY.

MC 99273 (Sub-3), filed February 23, 1982. Applicant: KINDLE TRUCKING CO., INC., 449 Silver Street, Agawam, MA 01001. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk, in tank vehicles), between points in the U.S. (except AK and HI), under continuing contract(s) with United Consolidation, Inc., of Agawam, MA.

MC 109593 (Sub-21), filed February 26, 1982. Applicant: H. R. HILL, INC., Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, Box 2650, Edmond, OK 73083, 405-348-7700. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 111002 (Sub-26), filed February 26, 1982. Applicant: FAST LEASING, INC., P.O. Box 7, Milton, PA 17847.

Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301-797-6060. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of telephone, communication and electronic equipment, between points in the U.S. (except AK and HI) under continuing contract(s) with Chemical and Metallurgical Division of GTE Products Corp., of Towanda, PA.

MC 112713 (Sub-326), filed February 12, 1982. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant), 913-383-3000. 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 K Mart Corporation, of Troy, MI.

MC 115413 (Sub-10), filed February 1, 1982. Applicant: BLISSFIELD TRUCK LINE, INC., 1-22155-SH2, Box 245, Archbold, OH 43502. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614) 228-8575. Transporting *metal products*, between points in TX, on the one hand, and, on the other, points in OH, MI and IL.

MC 138493 (Sub-14), filed February 19, 1982. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Rd., Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard,

150 East Gilman St., Madison, WI 53703, 608-256-7444. Transporting *food and related products*, between Milwaukee, WI, and points in Brown, Outagamie, and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140902 (Sub-20), filed February 24, 1982. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Dale A. Tibbetts (same address as applicant), 305-593-3204. Transporting *petroleum products, oils, and plastic and plastic articles*, between points in the U.S. (except AK and HI) under continuing contract(s) with Mobil Oil Corporation, of Fairfax, VA.

MC 141323 (Sub-3), filed February 25, 1982. Applicant: TMT INTERMODAL TRANSPORT, INC., 1183 Talleyrand Ave., Jacksonville, FL 32203. Representative: Leo C. Franey, 918 16th Street, NW., Washington, DC 20006, 202-785-3700. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the Philadelphia, PA Commercial Zone.

MC 145042 (Sub-15F), filed February 23, 1982. Applicant: ZEELAND FARM SERVICES, INC., 2468-84th Ave., Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482-2400. Transporting (1) *Food and related products*, and (2) *animal foods* (except in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with the Campbell Soup Company, of Camden, NJ.

MC 145993 (Sub-4), filed February 25, 1982. Applicant: SUPERIOR ASSEMBLY AND DISTRIBUTION CENTER, INC., 970 East Third St., Los Angeles, CA 90013. Representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036, 202-296-2900. 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 L.A.C.N.Y. Freight Agents, Inc., of Los Angeles, CA.

MC 146623 (Sub-9), filed February 22, 1982. Applicant: STAMEY ENTERPRISES, INC., 7350 102d Pl., South, Boynton Beach, FL 33435. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd st., Miami, FL 33166, 305-592-0036. Transporting (1) *such commodities* as are dealt in or used by restaurants, (2) *food and related products*, and (3) *such commodities* as are used or dealt in by department stores, between points in the U.S. (including AK and HI).

MC 147262 (Sub-4), filed February 23, 1982. Applicant: DETROIT AIR CARGO, INC., 28450 Highland Road, Romulus, MI 48174. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885, (219) 422-8884. Transporting *general commodities* (except classes A and B explosives, hazardous materials, used automobiles, household goods, baggage, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with American Shippers, Inc., of Fort Wayne, IN.

MC 149133 (Sub-15), filed February 22, 1982. Applicant: DIST/TRANS MULTI SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charlotte, NC 28217. Representative: Charles L. Garrison (same address as applicant), 704-588-2109. 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 Wieboldt Stores, Inc., of Des Plaines, IL.

MC 150783 (Sub-22), filed February 19, 1982. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773, 501-456-2453. Transporting *metal products*, between Atlanta, GA, Harrisburg, VA, and points in Columbus County, PA, Grayson County, TX, Johnson County, IN, Tulare County, CA, Washington County, AR and Cass County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151632 (Sub-11), filed February 22, 1982. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01085. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *Food and related products* (except commodities in bulk), between points in the U.S. (except AK and HI), on the one hand, and, on the other, points in Kankakee County, IL, Terrant County, TX, and Hamilton County, TN.

MC 153673 (Sub-1), filed February 23, 1982. Applicant: KENTUCKY SPECIALIZED HAULERS, INC., Route 3, Box 156A, Hardinsburg, KY 40143. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652-2789. 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 Givens Welding Service, of Louisville, KY.

MC 155863, filed February 2, 1982. Applicant: PRIEST ENTERPRISES, INC., 176 Sixth, Wells, NV 89835. Representative: Mile Pavlakis, Box 646, Carson City, NV 89702, (702) 882-0202. Transporting *gold and silver ores, and coal*, between points in CO, ID, NV, OR, UT and WY.

MC 156172 (Sub-1), filed February 23, 1982. Applicant: W. M. SPIEGEL SONS, INC., d.b.a. REFUSE CONTAINER TRANSPORTATION, 461 East Clinton St., Elmira, NY 14901. Representative: Donald C. Carmien, 15 Chenango St., P.O. 1922, Binghamton, NY 13902, 607-772-6993. Transporting *hazardous waste materials*, between points in Broome and Cortland Counties, NY and Sullivan, Wyoming, Luzerne and Susquehanna Counties, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157302 (Sub-4), filed February 16, 1982. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Ave, Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 315 Union St., 806 Nashville Bank & Trust Bldg., Nashville, TN 37210, 615-255-2670. Transporting (1) *waste paper*, between points in Ky and TN, on the one hand, and, on the other, points in IL, IN and MI, and (2) *metal products*, between points in Sumner County, TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 158002 (Sub-5), filed February 12, 1982. Applicant: SAHARA EXPRESS, A DIVISION OF SAHARA PACKING COMPANY, 741 1/2 Parkridge, P.O. Box 1932, Corona, CA 91720. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786, 714-981-9981. Transporting *general commodities* (except classes A and B explosives and household goods and commodities in bulk), between the facilities used by Valentine Truck Brokers, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159932 (Sub-1), filed February 12, 1982. Applicant: CLARENCE KENNEDY, JR., d.b.a. KENNEDY & SON TRUCKING, Route 1, Box 81, Tryon, NC 28782. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005, 202-347-9332. Transporting *rubber and plastic products, and chemicals and related products*, between points in Randolph County, NC, and Union County, NJ, on the one hand, and, on the other, points in CA, NV, AZ, NM, TX, OK, LA, MS, AL, GA, NC, SC, TN, VA, MD, NJ, and DE.

MC 160552, filed February 12, 1982. Applicant: GERALD FREDERICK, d.b.a. FREDERICK ENTERPRISES, Box 232, Richardton, ND 58652. Representatives: Harlin Gilje, Box 19, Richardton, ND 58652, 701-974-3301. 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 (a) Richardton Manufacturing Company, and (b) Hoff Machine & Weld, both of Richardton, ND.

MC 160673, filed February 2, 1982. Applicant: CLARK TRUCKING, INC., 75 Randolph Avenue, Avenel, NJ 07001. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392-1220. Transporting *such commodities* as are dealt in by manufacturers of plastic and plastic articles, between points in Orange County, NY, Rutherford County, NC and Brooke County, WV, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applications(s) for common control to team 2, Room 2379.

MC 160712, filed February 22, 1982. Applicant: R. D. HALVERSON, d.b.a. STARIC ENTERPRISES, 7640 Bluebell Ave., North Hollywood, CA 91605. Representative: Milton W. Flack, 8383 Wilshire Blvd., #900, Beverly Hills, CA 90211, (213) 655-3573. Transporting *kitchen and bathroom sinks, marble tops, cabinets and vanities, bathtubs and showers, and marble wall paneling*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Jensen Crown Marble Co., of Pacoima, CA and (b) S.C.S. Industries, Inc., of Sylmar, CA.

MC 160743, filed February 25, 1982. Applicant: TENNESSEE AMERICAN TRANSPORT, INC., Ronald Dr., Franklin, TN 37064. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004, 202-347-8862. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Nashville and Columbia, TN, over U.S. Hwy 31, serving all points in Williamson, Giles,

Lawrence, and Maury Counties, TN, as intermediate and off-route points.

MC 160773, filed February 26, 1982. Applicant: WILLIAM A. EDWARDS MOVING & STORAGE, INC., 309 Industrial Ave., Port Richey, FL 33568. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413-781-8205. Transporting *household goods, and furniture and fixtures*, between points in FL, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundaries of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 121412 (Sub-8), filed February 22, 1982. Applicant: SUBURBAN LINES, INC., 2121 West Chestnut St., Washington, PA 15301. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412-471-1800. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Washington, Greene and Fayette Counties PA and Monongalia, Marion, Harrison and Taylor Counties, WV, and extending to points in the U.S. (including AK but excluding HI).

Volume No. OP5-55

Decided: March 8, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 12868 (Sub-1), filed February 26, 1982. Applicant: BUTLER TRAVEL TOURS, INC., 16 Dunstable Road, No. Chelmsford, MA 01863. Representative: William Shield III, 100 Federal St., Boston, MA 02110 (617) 357-9000. To operate as a *broker* at Chelmsford, Lowell, Andover, and Lawrence, MA, in arranging transportation of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 18738 (Sub-70), filed February 26, 1982. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th St. Riverdale, IL 60627. Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603, 312-236-9375. Transporting *metal products*, between points in Shelby County, IN, on the one hand, and, on the other, points in Boyd County, KY, and Kanawha County, WV.

MC 130409 (Sub-1), filed February 23, 1982. Applicant: CHARLOTTE VISITOURS, INC., P.O. Box 221207,

Charlotte, NC 28222. Representative: F. Kent Burns, P.O. Box 27, Raleigh, NC 27602 (919) 828-2421. To operate as a *broker* at Charlotte, NC, in arranging transportation of *passengers and their baggage*, in special and charter operations, between points in NC, on the one hand, and, on the other, points in the U.S.

MC 136678 (Sub-2), filed February 24, 1982. Applicant: ALABAMA-TENNESSEE EXPRESS, INC., 50 East 29th St., P.O. Box 267, Chattanooga, TN 37401. Representative: Stephen L. Edwards, 906 Nashville Bank & Trust Bldg., 315 Union St., Nashville, TN 37201 (615) 255-2670. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in Hamilton and Bradley Counties, TN, on the one hand, and, on the other, points in AL and TN.

Note.—Applicant intends to tack this authority with its existing regular-route authority in MC-136678.

MC 139858 (Sub-48), filed February 25, 1982. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St., NW., Washington, D.C. 20006 (202) 337-6500. Transporting *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 Ralston Purina Company, of St. Louis, MO.

MC 139858 (Sub-49), filed February 26, 1982. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St., NW., Washington, DC 20006, (202) 337-6500. Transporting *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 The United States Shoe Corporation of Cincinnati, OH.

MC 144678 (Sub-42), filed February 26, 1982. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210.

Representative: Harold H. Clokey (same address as applicant) (913) 648-5540. Transporting *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 J. C. Penney Company, Incorporated, of New York, NY.

MC 160738, filed February 24, 1982. Applicant: HERMAN R. SCHINN, d.b.a. SCHINN TRANSPORT, 77 Oswego St., Camden, NY 13316. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315) 797-1970. Transporting *wire and cable* between points in the U.S. (except AK and HI), under continuing contract(s) with Amercable Corporation of El Dorado, AR, and Camden Wire Co., Inc., of Camden, NY.

Volume No. OP5-56

Decided: March 9, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 141988 (Sub-2), filed February 26, 1982. Applicant: C. F. HEARN, INC., 101 Main St., Box 6, Colon, NC 27236. Representative: C. F. Hearn (same address as above.), (919) 776-1123. To operate as a *broker* at Colon, NC, arranging the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in NC, and extending to points in the U.S. (except AK and HI).

MC 145559 (Sub-19), filed March 1, 1982. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, 703-525-4050. Transporting *textile mill products*, (a) between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (b) between points in Washington County, MS, and Dillon County, SC, on the one hand, and, on the other, points in Seattle, WA and Portland, OR.

MC 147879 (Sub-2), filed March 2, 1982. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson St., Cuba City, WI 53807. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256-7444. Transporting (1) *metal products and machinery*, between Tulsa, OK on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *metal products*, between points in CO and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149228 (Sub-4), filed March 2, 1982. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142 Wilmington, NC 28402. Representative: Miles Ray Matthis (same address as applicant) (919) 763-0411. Transporting *hazardous materials* between points in the U.S. (including AK but excluding HI). Condition: Any certificate issued in this proceeding to the extent it authorizes

transportation of hazardous materials shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 150438 (Sub-3), filed February 25, 1982. Applicant: JAFCO INDUSTRIES, INC., 8015 N. Market St., Spokane, WA 99220. Representative: George LaBissoniere, 15 S. Grady Way Suite 233, Renton, WA 98055 (206) 228-3807. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in WA, OR and ID and ports of entry on the international boundary line between the U.S. and Canada located in WA, ID, and MT, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NV, NM, ND, OH, OK, OR, PA, SD, TX, UT, VA, WA, WV, WI, and WY.

MC 155218 (Sub-2), filed March 2, 1982. Applicant: TRANS TRUCK, INC., 7401 Bunkam Rd. East St. Louis, IL 62204. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, 314-421-0845. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of foundry supplies, between St. Louis, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, MS, MO, NE, OH, OK, TN and TX.

MC 155448, filed March 2, 1982. Applicant: R. M. TRANSPORT, INC., 619 East Sumner St., Hartford, WI 53027. Representative: William P. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414) 273-7410. Transporting *such commodities* as are dealt in or used by a manufacturer of road and railroad construction materials, between points in the U.S. (except AK and HI), under continuing contract(s) with Lang Engineering Co., Inc., of Rochester, WI.

MC 157479 (Sub-1), filed March 1, 1982. Applicant: COBRA COACH LINES, INC., 3233 Laconia Ave., Bronx, NY 10469. Representative: Rudolph & Altieri, 56 Harrison St., New Rochelle, NY 10801 (914) 632-0900. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in NY, and extending to points in the U.S. (except AK and HI).

MC 158289 (Sub-2), filed March 1, 1982. Applicant: GENERAL EXPRESS, INC., 4698 Lake Mirror Place, Forest Park, GA 30050. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339 (404) 434-3381. Transporting *chemicals and wire strapping*, between points in Clayton County, GA, and Ellis County, TX, on the one hand, and, on the other,

points in the U.S. (except AK and HI), restricted against the transportation of bulk commodities.

MC 160368, filed February 24, 1982. Applicant: DERRICOS, INC., 1505 N. Main, Baggs, WY 82321. Representative: Charles E. Greenhawt, 313 Fourth St., Rawlins, WY 82301 (307) 324-6625. Transporting *Mercer commodities* between points in WY, CO, MT, SD, ND, and UT.

MC 160779, filed February 26, 1982. Applicant: COOPER HOSIERY MILL, INC., 1016 Clark Ave., N.E., Fort Payne, AL 35967. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984 (205) 634-4885. Transporting *textiles, textile products and packaging materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Maro Hosiery, Inc. of New York, NY; J. D. Baker, d.b.a. Baker Hosiery, Keef Hosiery, Inc. V. I. Prewett & Son, Inc. and Laymon Hughes, d.b.a. Laymon Hughes Hosiery Mill, all of Fort Payne, AL.

MC 160789, filed March 1, 1982. Applicant: RAM EXPRESS COMPANY, 248 Lisa Drive, Bethel Park, PA 15102. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471-3300. Transporting *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 Beecham Products, Inc., of Pittsburgh, PA.

MC 160798, filed March 2, 1982. Applicant: CRYOGENIC TRANSPORTATION, INC., 12323 Decatur St., Omaha, NE 68154. Representative: Donald L. Stern, 7171 Mercy Rd., Suite 610, Omaha, NE 68106, (402) 392-1220. Transporting *anhydrous ammonia and fertilizer*, between points in the U.S. (except AK and HI), under continuing contract(s) with United Suppliers, Inc., of Eldora, IA, Land O'Lakes, Inc., of Fort Dodge, IA, Growmark, Inc., of Bloomington, IL, Kaiser Agricultural Chemical, Division of Kaiser Aluminum & Chemical Co., of Oakland, CA, and Nutra-Flo Chemical Co., and Terra Chemical International, Inc., both of Sioux City, IA.

MC 160808, filed March 1, 1982. Applicant: HERBERT HUDSON d.b.a. SOONER BUS TRAVEL, 3820 South Eastern, Oklahoma City, OK 73129. Representative: C. L. Phillips, Classen Terrace Bldg., Rm. 248, 1411 N. Classen, Oklahoma City, OK 73106, (405) 528-3884. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at

points in Oklahoma, Cleveland, and Canadian Counties, OK, and extending to points in AR, MO, KS, CO, NM, TX, and LA.

MC 160809, filed March 2, 1982. Applicant: ALTON L. DOCKERY d.b.a. ABLE CHARTER BUS COMPANY, 6677 Columbus Ave., Riverside, CA 92504. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in San Bernardino and Riverside Counties, CA, and extending to points in AZ, NV, and UT.

MC 160819, filed March 2, 1982. Applicant: R AND A ENTERPRISES, 1414 Lafayette, Waterloo, IA 50701. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005, 212-269-2450. Transporting *meats and packinghouse products*, between points in Black Hawk and Louisa Counties, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, SD, NE, and WI.

Volume No. OP5-58

Decided: March 11, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 110149 (Sub-13), filed January 20, 1982, previously published in *Federal Register* (Republication) on February 17, 1982. Applicant: PAN AMERICAN VAN LINES, INC., 18420 So. Santa Fe Avenue, P.O. Box 923, Long Beach, CA 90801. Representative: W. C. Fogle (same address as applicant), (213) 537-2630. Transporting (1) *household goods* as defined by the Commission, (2) *furniture and fixtures*, and (3) *rocket engines and rocket fuel* (except in bulk), between points in the U.S. (except AK, HI, and VT).

Note.—Purpose of republication is to include household goods as defined by the Commission in commodity description.

MC 129189 (Sub-12), filed March 3, 1982. Applicant: WING CARTAGE COMPANY, 4141 George Pl., Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle St., Room 3520, Chicago, IL 60601, 312-332-5106. Transporting *limestone, limestone products and sand*, between points in Milwaukee, Racine, and Kenosha Counties, WI, on the one hand, and, on the other, points in Lake and Cook Counties, IL.

MC 130368 (Sub-1), filed March 5, 1982. Applicant: HUH N TRAVEL SYSTEMS, INC., d.b.a. SUNNYLAND TRAVEL SERVICE, 600 North Sprigg, Cape Girardeau, MO 63701.

Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. To operate as a broker at Cape Girardeau, MO, in arranging transportation of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 135779 (Sub-11), filed February 16, 1982. Applicant: BALDWIN TRUCKING, INC., 192-98th Ave., Oakland, CA 94603. Representative: David P. Christianson, 707 Wilshire Blvd, Suite 1800, Los Angeles, CA 90017, (213) 627-8471. Transporting *trailers and trailer parts*, between points in the U.S. (except AK and HI).

MC 143228 (Sub-2), filed February 1, 1982, previously published in the Federal Register (Republication) on February 24, 1982. Applicant: WILLIAM R. BRAUN, d.b.a. BRAUN TRUCK SERVICE, P.O. Box 33, Hecker, IL 62248. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217-544-5468. Transporting *alcoholic beverages*, between points in Jackson and St. Clair Counties, IL, Jefferson and St. Genevieve Counties, MO, and Ramsey County, MN on the one hand, and, on the other, St. Louis, MO, New York, NY, Baltimore, MD, Williamsburg, VA, and points in Maricopa County, AZ, Los Angeles, San Loquin and Solano Counties, CA, Denver County, CO, Duval and Hillsborough Counties, FL, Dougherty and Effingham Counties, GA, St. Clair County, IL, Vanderburgh County, IN, Campbell County, KY, Orleans Parish, LA, Saginaw and Wayne Counties, MI, Ramsey County, MN, Essex and Mercer Counties, NJ, Fulton County, NY, Franklin and Butler Counties, OH, Shelby County, TN, Bexar, Harris and Tarrant Counties, TX, King and Thurston Counties, WA, and LaCrosse and Milwaukee Counties, WI.

Note.—This application is republished to correct territorial description, and to reflect a change in the docket number previously shown as MC-143228 Sub 36.

MC 145738 (Sub-27), filed March 3, 1982. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 607, Selmer, TN 38375. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union St., Nashville, TN 37201 (615) 255-9911. Transporting *wine and brandy* between San Francisco, CA, and points in Sonoma, Napa, Stanislaus, San Joaquin, Santa Clara, Monterey, and Mendocino Counties, CA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150938 (Sub-4), filed March 5, 1982. Applicant: NORMAN GRUBB LEASING, INC., 2018 Bethel Dr., High Point, NC 27260. Representative: Archie

W. Andrews, 617 F Lynrock Ter., Eden, NC 27288, 919-627-0555. Transporting *paper and plastic articles*, between points in NC, on the one hand, and, on the other, points in PA.

MC 152109 (Sub-9), filed March 4, 1982. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th St., NW, Washington, DC 20036 (202) 457-1124. Transporting (1) *building materials* and (2) *iron and steel articles* (except those in (1)) between points in the U.S. (except AK and HI), under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 152568 (Sub-4), filed March 2, 1982. Applicant: KISTLER AMELING TRANSPORTATION, INC., 408 East Indiana St., Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491, 317-638-1301. Transporting *general commodities* (except Classes A and B explosives, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract(s) with Miles Laboratory, Inc., of Elkhart, IN; Young Door Company of Plymouth, IN; EFP Corporation, of Elkhart, IN; Ralston Purina Company, of St. Louis, MO; and Ft. Wayne Pools, Inc., of Ft. Wayne, IN.

MC 157409, filed March 3, 1982. Applicant: ARNEYTOWN TRUCKING, INC., 215 Miami Ave., Trenton, NJ 08610. Representative: Thomas E. Carroll (same address as applicant) (609) 587-2296. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of plumbing supplies, between points in the U.S. (except AK and HI), under continuing contract(s) with Cambridge Lee Industries, Inc., of New Brunswick, NJ.

MC 158129 (Sub-2), filed March 4, 1982. Applicant: REGAL TRANSPORTATION, INC., P.O. Box 310, Niles, OH 44446. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting (1) *lumber and wood products* and (2) *building materials* (except lumber and wood products), (a) between points in Mahoning County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between points in GA, NC, and SC, on the one hand, and, on the other, points in OH.

MC 159888, filed January 5, 1982, previously published in the Federal Register (republishing), on January 26, 1982. Applicant: TAZEWEEL AUTO SALVAGE, INC., Route 2, Box 590, Tazewell, VA 24603. Representative:

Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703-629-2818. Transporting *mining machinery and equipment*, between points in AL, KY, IL, IN, OH, PA, TN, VA and WV.

Note.—This application is republished to correct territorial description.

MC 160538, filed March 5, 1982. Applicant: PHILLIP G. PYLE, PYLE AUTOMOTIVE AND WRECKER SERVICE, 1514 Bridgewater Lane, Kingsport, TN 37660. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347-8862. Transporting *motor vehicles and construction equipment*, in Wrecker Service, between points in Sullivan, Hawkins, Washington, Greene, Hancock, Carter, Johnson, Hamblen, and Knox Counties, TN, and Wise, Scott, and Washington Counties, VA, on the one hand, and, on the other, those points in the U.S. in the east of TX, OK, KS, MO, IL, and WI.

MC 160828, filed March 2, 1982. Applicant: BRIAN WALSH MOVING AND STORAGE, INC., 57 W. Merrick Rd., Valley Stream, NY 11580. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036, (202) 887-5868. Transporting *household goods*, between those points in the U.S. in and east of WI, IL, KY, TN, AR, and TX.

MC 160839, filed March 4, 1982. Applicant: REGENCY CHARTER, INC., 52 Lord Ave., Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201-572-5551. Transporting *passengers and their baggage in the same vehicle with passengers*, in charter operations beginning and ending in New York, NY, and points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties NJ, and extending to points in CT, DE, FL, GA, KY, ME, MA, MD, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-7591 Filed 3-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th

calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protests 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-196

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 160673 (Sub-1-2TA), filed March 10, 1982. Applicant: CLARK TRUCKING, INC., 75 Randolph Avenue, Avenel, NJ 07001. Representative: David Wozniak, 2500 28th Street, S.W., Wyoming, MI 49509. *General commodities (except classes A and B explosives, hazardous waste, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment or special handling)*, from the facilities of Cooperative Shippers Association, Inc., at Philadelphia, PA and Newark, NJ to points in the U.S. Supporting shipper: Cooperative Shippers Association, Inc., 4219 Richmond Street, Philadelphia, PA 19137.

MC 160673 (Sub-1-1TA), filed March 8, 1982. Applicant: CLARK TRUCKING, INC., 75 Randolph Avenue, Avenel, NJ 07001. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. *Plastic articles*, from Middletown, NY, Forest City, NC, and Wellsburg, WV to points in TX, FL, MS, CA, AL, OK,

and GA. Supporting shipper: GenPak Corporation, 68 Warrent Street, Glens Falls, NY 12845.

MC 158978 (Sub-1-2TA), filed March 10, 1982. Applicant: CONTINENTAL VANGUARD, INC., 204 Harding Avenue, Bellmawr, NJ 08031. Representative: Brett Robinson (same as applicant). *Hazardous, non-hazardous, and toxic waste materials* between points in AL, CT, DE, IL, MD, MI, NC, NJ, NY, OH, PA, SC, VA, and WV. Supporting shipper(s): Industrial Resource Development Corp., 6 Berkely Road, Devon, PA 19333; Chem-Clear, Inc., Suite 915, 992 Old Eagle School Road, Wayne, PA 19807; Harleco Division of E. M. Industries, Inc., 480 Democrat Road, Gibbstown, NJ 08027.

MC 160883 (Sub-1-1TA), filed March 8, 1982. Applicant: G & M TRUCKING, INC., 36 Nokomis Avenue, Oakland, NJ 07436. Representative: George A. Matejunas (same as applicant). *Contract carrier: irregular routes: Plastic materials, in bulk* between the facilities of U.S. Industrial Chemicals Corporation, Division of National Distillers & Chemical Corp., and all points in the U.S. east of the Mississippi River, under continuing contract(s) with the U.S. Industrial Chemicals Corp., New York, NY. Supporting shipper: U.S. Industrial Chemicals Corp., Division of National Distillers Corp., 99 Park Avenue, New York, NY 10016.

MC 115869 (Sub-1-1TA), filed March 11, 1982. Applicant: HENDRIE & COMPANY, LIMITED, 3 Peter Street, Toronto, Ontario, CN M5V 2G1. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Plant machinery and equipment*, between Lansing, MI, on the one hand, and, on the other, ports of entry on the International Boundary line between the U.S. and CN in MI. Supporting shipper: General Motors of Canada, Oshawa, Ontario, CN.

MC 99455 (Sub-1-4TA), filed March 3, 1982. Applicant: M. H. HILLERY, INC., 90 Western Avenue, Allston, MA 02134. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036. *Clothing and Footwear*, between points Exeter, NH, and Saco, ME. Supporting shipper: Nike, Inc., 150 Ocean Road, P.O. Box 326, Greenland, NH 03840.

MC 36517 (Sub-1-2TA), filed March 8, 1982. Applicant: JAMES J. KEATING, INC., 168 2nd Street, P.O. Box 830, Perth Amboy, NJ 08861. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier: irregular routes: Phosphoric Acid in tank vehicles* from the facilities of FMC Corp., Carteret, NJ

to Ellwood and Frisco, PA, under continuing contract(s) with FMC Industrial Chemical Corp., Philadelphia, PA. Supporting shipper: FMC Industrial Chemical Corp., 2000 Market Street, Philadelphia, PA 19103.

MC 97244 (Sub-1-2TA) (republication), filed February 24, 1982. Applicant: MASS. TRANSPORTATION, INC., 187 Sidney Street, Cambridge, MA 02139. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. *Cocoa beans, chocolate liquors, cocoa butter, vegetable fats and chocolate confection*, between Mansfield, South Boston, and Woburn, MA, on the one hand, and, on the other, Norfolk, VA, Philadelphia, PA, Wilmington, DE, Buffalo, NY and Pennsauken, NJ. Supporting shipper: Merckens Chocolate, a Division of Nabisco, Inc., 150 Oakland Street, Mansfield, MA 02048. The sole purpose of this republication is to change NH to read NJ after the city of Pennsauken.

MC 153140 (Sub-1-4TA), filed March 10, 1982. Applicant: PIONEER FREIGHT SYSTEMS, INC., 144 Parsippany Road, P.O. Box 5, Whippany, NJ 07981. Representative: Dixie C. New House, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier: irregular routes: General commodities (except Classes A & B explosives and household goods)* between points in the U.S., under continuing contract(s) with J. B. Williams Company, Inc., Cranford, NJ; The Mennen Company, Morristown, NJ, and Carter Wallace, Inc., Cranbury, NJ. Supporting shipper(s): J. B. Williams Company, Inc., 750 Walnut Avenue, Cranford, NJ 07016; The Mennen Company, Hanover Avenue, Morristown, NJ 07960; Carter Wallace, Inc., Half Acre Road, Cranbury, NJ 08512.

MC 160967 (Sub-1-1TA), filed March 11, 1982. Applicant: CHARLES J. RE, d.b.a. C. RE PROFESSIONAL MOVING SERVICE, 43 Wolcott Drive, Hopkinton, MA 01748. Representative: Charles J. Re (same as applicant). *Contract carrier: irregular routes: Such commodities as are dealt in by retail department stores* from the facilities of Jordon Marsh Co. located in Quincy, MA to points in NH, CT, RI, ME and VT, under continuing contract(s) with Jordan Marsh Co., Quincy, MA. Supporting shipper: Jordan Marsh Co., 500 Commander Shea Blvd., N. Quincy, MA.

MC 108587 (Sub-1-1TA), filed March 10, 1982. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Avenue, Colchester, CT 06415. Representative: Jeremy Kahn, Suite 733, Investment

Bldg., 1511 K Street, NW., Washington, DC 20005. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading)*, between Boston and Springfield, MA, on the one hand, and, on the other, points in VT (except points within 110 miles of Boston, MA), and points in Cumberland, Androscoggin, Oxford, Kennebec, Sagadahoc, Lincoln, Knox, Franklin, Waldo, and York Counties, ME (except points within 110 miles of Boston, MA). Applicant will tack with existing authority at Boston and Springfield, MA. Supporting shipper(s): There are seven statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 156029 (Sub-1-2TA), filed March 8, 1982. Applicant: TRANSPORT ENTERPRISES, INC., 400 Broadway, Freehold, NJ 07728. Representative: A. David Millner, Esq., 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier: irregular routes: Such commodities as are dealt in or used by retail department stores, from Hoboken, NJ and New York, NY to Miami and Tampa, FL, under continuing contract(s) with Allied Stores, Inc., New York, NY. Supporting shipper: Allied Stores, Inc., 1114 Avenue of the Americas, New York, NY 10036.*

MC 154631 (Sub-1-15TA), filed March 8, 1982. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, Jr. (same as applicant). *Contract carrier: irregular routes: Candy and Confectioners products from Chicago, IL to points in the U.S. (except AK and HI), under a continuing contract(s) with Tootsie Roll Industries, Inc. of Chicago, IL. Supporting shipper: Tootsie Roll Industries, Inc., 7401 South Cicero Avenue, Chicago, IL 60629.*

MC 149216 (Sub-1-4TA), filed March 11, 1982. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew Street, Newton Highland, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Food and related products between points in ME, NH, VT, MA, RI, CT and IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and TX. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

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 153981 (Sub-II-2TA), filed February 4, 1982. Originally published in Federal Register on January 17, 1982. Applicant: LEEWAY FLEET LINES, INC., 1321 Arch St., Suite 1010, Phila., PA 19107. Representative: Curtis Lee (same address as applicant). *Passengers and their baggage in charter and special operations, beginning and ending at points in PA and NJ and extending to points in AL, CT, DE, FL, GA, DC, IL, IN, KY, LA, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, RI, SC, TN, VA, VT and WV. Supporting shipper(s): There are 10 supporting shippers statement attached to this application that may be examined at the Phila. Regional Office. The purpose of this republication is to show the state of NJ and IL that were inadvertently omitted in the previous publications.*

MC 160688 (Sub-II-1TA), filed February 22, 1982. Applicant: THE ADELPHIA AGENCY, P.O. Box 9079, Lester, PA 19113. Representative: William J. Adel, 698 Holly Cove, Mt. Laurel, NJ 08054. *General commodities, between points in that part of CT, NY, PA, MD and DE bounded by the following highways: from New Haven, CT, along CT Route 34 to Interstate 84 westerly to NY State Route 17 on the north, continuing south on U.S. Route 15 to Interstate 270, continuing on Interstate 270 to Interstate 495 south to U.S. Route 50 east, continuing on U.S. Route 50 to Ocean City, MD, for 270 days. Supporting shipper(s): GTE Telenet, Inc., E. Park Dr., Mt. Laurel, NJ 08054; The Franklin Mint, Franklin Center, PA 19091.*

MC 158129 (Sub-II-1TA), filed March 4, 1982. Applicant: REGAL TRANSPORTATION, INC., P.O. Box 310, Niles, OH 44446. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Lumber or wood products and building materials (a) between points in Mahoning County, OH, on the one hand, and, on the other, Brevard and Dade Counties, FL, and (b) from points in GA, NC and SC to points in OH for 270 days. Supporting shipper: Mahoning Lumber Center Co., 71 E. Indianola Ave., P.O. Box Y, Youngstown, OH 44507.*

MC 129124 (Sub-II-14TA), filed March 2, 1982. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, 1333 New Hampshire Ave., NW., Suite 960, Washington, DC 20036. *Clay, concrete, glass or stone products, between points in Hillsborough County, NH, on the one hand, and, on the other, points in Chemung County, NY for 270 days. An underlying ETA seeks 120 days*

authority. Supporting shipper: Container Recover Corp., 12 Celina Ave., Nashua, NH 03063.

MC 157853 (Sub-II-2TA), filed March 3, 1982. Applicant: VAN HEUSEN TRANSPORTATION CORPORATION, P.O. Box 307, Schuylkill Haven, PA 17972. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *General commodities (except classes A and B explosives)*, between the facilities of Cardinal Container Corp., Mt. Carmel, PA; Cardwell Industries, N. Plainfield, NJ; General Battery Corp., Reading, PA; The Van Heusen Co., Schuylkill Haven, PA; and Walk-In Shoe Co., Schuylkill Haven, PA, on the one hand, and, on the other, pts. in AL, AR, CT, DC, DE, FL, GA, LA, MA, MD, MS, NJ, NY, NC, PA, RI, SC, TN, TX, WV, and VA, for 270 days. An underlying ETA seeks 120 days. Supporting shipper: There are 5 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 159857 (Sub-II-3TA), filed March 3, 1982. Applicant: J&L TRUCK LEASING, INC., 3621 State Route 14, Edinburg, OH. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415. *Steel articles between the facilities of Union Metal Material Handling, Co. at or near Macedonia, OH, on the one hand, and, on the other, the facilities of John Deere, Inc., at or near Waterloo, IA and Pitney-Bowes, Inc., at or near Stamford, CT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Metal Material Handling, Co., Box 3, Macedonia, OH 44056.*

MC 146699 (Sub-II-3TA), filed March 2, 1982. Applicant: TOLEDO-DETROIT EXPRESS, INC., 6180 Benore Road, Toledo, OH 43612. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer or distributor of automotive parts and accessories, between Toledo, OH, and Detroit, MI, and points in their commercial zones, and Fulton County, OH, on the one hand, and, on the other, points in WV, IN, PA, MI and OH for 270 days. Shipper: Aetna Industries, Inc., 24331 Sherwood Ave., Center Line, MI 48015 and Peters Stamping Company, West 6th and Mulberry Streets, Perrysburg, OH 43551*

MC 159791 (Sub-II-1TA), filed March 1, 1982. Applicant: ENGLER AUTOMOTIVES, INC., P.O. Box 223, Wind Gap, PA 18091. Representative: Stanley S. Engler, 592 Getz Rd., Pen Argyl, PA 18072. *Accidentally wrecked*

or disabled vehicles and/or their replacements between points in PA, NY, NJ, MD, DE, VA, WV, OH, CT, RI, MA, VT, NH, and ME, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 7 supporting shippers. Their statements may be examined at the ICC office in Philadelphia, PA.

MC 156104 (Sub-II-1TA), filed March 2, 1982. Applicant: PAUL WATTS, 386 Larkin Ave., Akron, OH 44305. Representative: Paul Watts (same as applicant). *Clay and Clay Products*, from Greensboro and Spruce Pines, NC; Bath, SC; McIntyre, GA; Dillwyn, VA and points in their commercial zones to Sandusky, OH and points in its commercial zone, for 270 days. Supporting shipper: Universal Clay Products Co., P.O. Box 1631, Sandusky, OH 44870.

MC 140889 (Sub-II-25TA), filed March 1, 1982. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. *Contract; irregular: Metal and such other products as are dealt in by the building and construction industries* between facilities in Cuyahoga and Medina Counties, OH; Erie County, NY; Baltimore County, MD; York County, PA; Lincoln County, OK; San Jacquin County, CA and Cobb County, GA on the one hand and on the other, points in CA, AZ, NM, OR, WA, TX and FL under a continuing contract(s) with Donn Corporation of Westlake, OH for 270 days. An underlying E.T.A. seeks 120 days authority. Shipper: Donn Corporation, 1000 Crocker Road, Westlake, OH 44145.

MC 147465 (Sub-II-1TA), filed March 1, 1982. Applicant: MOORE & SON CO., 1101 Cable Ave., Columbus, OH 43222. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Metal products and packaging and shipping materials* between the facilities of Metal Container Corporation at Columbus, OH, on the one hand, and, on the other, the commercial zones of Jacksonville, FL; Newark, NJ and St. Louis, MO for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Metal Container Corporation, 350 McCormack Blvd., Columbus, OH 43213.

MC 146587 (Sub-II-2TA), filed March 1, 1982. Applicant: GREAT EASTERN EXPRESS, INC., Rear 639 Frederick St., Hanover, PA 17331. Representative: John Wills Beach, 34 West Middle St., P.O. Box 768, Gettysburg, PA 17325. *Contract; Irregular: Ice Cream Products* from Hanover, Camp Hill and Waynesboro, PA; Clearwater, Ocala and Haines City,

FL to points in U.S. (except AK and HI) under continuing contract(s) with Klondike Company, Inc. of Hanover, PA for 270 days. Supporting shipper: Klondike Company, Inc., 877 York St., Hanover, PA 17331.

MC 160797 (Sub-II-1TA), filed March 1, 1982. Applicant: J. KUHOLSKI & SON, 3726 Cumberland Rd., Erie, PA 16510. Representative: John C. Kuholski (same as applicant). *Contract; irregular: Doors and related hardware*, and material for manufacture of said doors, between the facilities of Fenestra, Erie, PA, on the one hand, and, on the other, pts. in the US for 270 days, under continuing contract(s) with Fenestra, Erie, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Fenestra, 4040 W. 20th St., Erie, PA 16508.

MC 146807 (Sub-II-24TA), filed March 1, 1982. Applicant: S-n-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F.V. Pietrowski, 430 Scranton Life Building, Scranton, PA 18503. *Printed matter-books Mass Market Paperbooks and Hardcover Trade* from Luzerne County, PA to pts. in AZ, AR, CA, CO, FL, GA, IL, KS, MI, MN, MO, NV, NC, OR, TX, UT and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Putnam Publishing Group, Berkley Jove Publishing Groups, 1050 Wall St. West, Lyndhurst, NJ 07071.

MC 160810 (Sub-II-1TA), filed March 2, 1982. Applicant: JOHN ROWLAND, d.b.a. ROWLAND TRUCKING, 639 East Grand Ave., Springfield, OH 45505. Representative: David Earl Tinker, 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036-5391. *Contract; irregular; steel, hydraulic cylinders, material handling equipment and supplies, machinery, wood products, and related materials, equipment and supplies*, between points in OH, on the one hand, and, on the other, points in IL, PA, OR, GA, NY, NJ, MD, CA, WA, WV, TX, IN, and WI, under continuing contract(s) with Cascade Corporation of Springfield, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cascade Corporation, 2501 Sheridan Ave., Springfield, OH 45505.

MC 107012 (Sub-II-213TA), filed February 24, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Contract, irregular: General commodities (except classes A & B explosives & household goods as defined by the Commission)* between points in the U.S., under continuing

contract(s) with Merillat Industries, Inc., Adrian, MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Merillat Industries, Inc., 2075 W. Beecher Rd., Adrian, MI 49221.

MC 150339 (Sub-II-54TA), filed February 25, 1982. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: General commodities, except classes A & B explosives, household goods, and commodities in bulk*, between Atlantic, Gulf, and West Coast ports on the one hand, and on the other, points in the U.S., under continuing contract(s) with Jeuro Container Transport (U.S.A.) Inc. Restricted to traffic having a prior or subsequent movement by water. An underlying ETA seeks 120 days authority. Supporting shipper(s): Jeuro Container Transport (U.S.A.) Inc., 7700 Edgewater Dr., Suite 300, Oakland, CA 94621.

MC 134676 (Sub-II-1TA), filed March 2, 1982. Applicant: H. H. MOORE, JR., P.O. Box 477, Appomattox, VA 24522. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Structural steel, fabricated iron and steel articles, iron, steel and metal articles, and materials, equipment and supplies used in the manufacture and distribution of the above commodities*, between Lynchburg and Roanoke, VA, on the one hand, and, on the other, Baltimore, MD; Fairless, Philadelphia and Pittsburgh, PA; Cleveland, Dover and Middletown, OH; Albany and Kingston, NY; Camden, NJ; Ashland, KY; Savannah, GA; Wilmington, NC and Chicago, IL. Restricted to traffic originating at or destined to the facilities of N. B. Handy Co., Montague-Betts Co. and Thread Corp. An underlying ETA seeks 120 days authority. Supporting shipper(s): N. B. Handy Co., Lynchburg, VA; Montague-Betts Co., Inc., Lynchburg, VA; Thread Corp., Roanoke, VA.

MC 107012 (Sub-II-214TA), filed March 3, 1982. 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 U.S., under continuing contract(s) with American Airlines, Inc., Grand Prairie, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Airlines, Inc., P.O. Box 61616, Dallas/Ft. Worth Airport, TX 75261.

MC 150339 (Sub-2-54TA), filed February 25, 1982. Applicant: PIONEER TRANSPORTATION SYSTEM, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: General commodities, except classes A & B explosives, household goods, and commodities in bulk, between Atlantic, Gulf, and West Coast ports on the one hand, and on the other, points in the United States, under continuing contract(s) with Jeuro Container Transport (U.S.A.) Inc., 7700 Edgewater Dr., Suite 300, Oakland, CA 94621. An underlying ETA seeks 120 days authority. Supporting shippers(s): Jeuro container Transport (U.S.A.) Inc., 7700 Edgewater Dr., Suite 300, Oakland, CA 94621.*

MC 160370 (Sub-II-1TA), filed February 2, 1982. Originally published in Federal Register of February 22, 1982. Applicant: OAKMONT CARRIER CORPORATION, Box 306D, R.D. #2, Chestertown, MD 21620. Representative: Charles J. Blundell (same address as applicant). *Contract, irregular: Packaging materials and such materials and supplies as are used in the manufacture of packaging materials, (except commodities in bulk), between Newark, DE, on the one hand, and, on the other, points in NJ, NY, CT, PA, DE, MA, RI, ME, VT, NH, MD, VA, WV, NC, SC, GA and DC. Supporting shipper(s): Free-flow Packaging Corp., 2500 Middlefield Rd., Redwood City, CA 94063. The purpose of this republication is to correct territorial description which was incorrectly shown in the first publication.*

MC 160912 (Sub-II-1TA), filed March 9, 1982. Applicant: ALLYD TOWING & HEAVY RECOVERY, INC., 1702 Ketcham Ave., Toledo, OH 43608. Representative: Richard L. Sanders, 4024 Lewis Ave., Toledo, OH 43612. *Automobiles, trucks and tractors, used or disabled, in tow-away service between points in OH, MI, IL, IN, and PA, for 270 days. Support shippers: Avis Leasing Corp., 2024 E. Manhattan Ave., Toledo, OH 43608; L&N Leasing Corp., 726 Laskey Road, Toledo, OH 43612; E.M. Hall Leasing, Inc., 724 Laskey Road, Toledo, OH 43612.*

MC 142958 (Sub-II-1TA), filed March 9, 1982. Applicant: EMERGENCY MEDICAL DELIVERIES, INC., 230 Arco Dr., Toledo, OH 43607. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *(1) Medicinal intravenous solutions, dialysis patient treatment kits, mineral water, and liquid formaldehyde (except in bulk, in tank vehicles), and (2) materials and supplies used in the administration of the*

commodities in (1) above (except in bulk, in tank vehicles), between Detroit, MI (and its commercial zone) on the one hand, and on the other, points in IL, IN, KY, OH, PA (west of Interstate Hwy. 83 and U.S. Hwy. 15), WV, and WI (south of U.S. Hwy. 10), for 270 days. Supporting shipper: Travenol Laboratories, Inc., 6301 N. Lincoln Ave., Morton Grove, IL 60053.

MC 147681 (Sub-II-17TA), filed March 9, 1982. Applicant: HOYA EXPRESS, INC., Rt. 18, West Middlesex, PA 16159. Representative: Michael P. Pitterich, P.O. Box 543, Rt. 18, West Middlesex, PA 16159. *Bakery goods NOI other than Frozen between Richmond, VA and Battle Creek, MI, on the one hand, and, on the other, points in WV, PA, MD, DE, NJ, NY, CT, RI, MA, KY, IL, MI, IN and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Interbake Foods, Inc., 900 Terminal Place, Richmond, VA 23261.*

MC 160948 (Sub-II-1TA), filed March 10, 1982. Applicant: ITS TRUCKING, INC., 212 Neshaminy Plaza, Street Road & Route 13, Bensalem, PA 19020. Representative: David C. Wenger (same as applicant). *General commodities (except classes A & B explosives, commodities in bulk, Articles of unusual and excessive value) having a prior or subsequent movement by rail, between Philadelphia, PA on the one hand, and on the other, points in DE, MD, NJ, PA, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 8 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.*

MC 120083 (Sub-II-1TA), filed March 9, 1982. Applicant: LINCOLN COACH LINES, P.O. Box 369, Irwin, PA 15642. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Avenue, NW., Washington, DC 20036. *Contract; irregular: Passengers and their baggage, in charter operations, beginning and ending at points in MD on and west of Interstate Hwy 81; OH; PA on and west of U.S. Hwy 15; and WV, and extending to points in TN and KY, under continuing contract(s) with Lincoln Coach Travel, Inc., of Irwin, PA, for 270 days.*

MC 135902 (Sub-II-2TA), filed March 9, 1982. Applicant: ESTATE OF KENNETH M. MOODY, d.b.a. K. M. MOODY, 3100 Dogwood Street NW., Washington, DC 20015. Representative: David C. Venable, 400 Spring Valley Center, 4801 Massachusetts Avenue NW., Washington, DC 20016. *Contract, irregular: Tires and tubes and accessories for tires and tubes between the facilities of Firestone Tire & Rubber*

Co., Inc. at or near Shelby, OH, on the one hand, and, on the other, points in PA, MD, DE, VA and DC, under continuing contract(s) with Firestone Tire & Rubber Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Firestone Tire & Rubber Co., Inc., 1200 Firestone Pkwy., Akron, OH 44317.

MC 135364 (Sub-II-16TA), filed March 9, 1982. Applicant: MORWALL TRUCKING, INC., P.O. Box 76C, R.D. #3, Moscow, PA 18444. Representative: Joseph A. Keating, Jr., 121 South Main Street, Taylor, PA 18517. *Contract; irregular: General commodities (except classes A and B explosives, hazardous materials) between points in the U.S. (except AK and HI), restricted to shipments moving in foreign commerce, under continuing contact(s) with Salax Transport Corp., New York, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Salax Transport Corp., 15 Madison Ave., Suite 907, New York, NY 10038.*

MC 160910 (Sub-II-1TA), filed March 9, 1982. Applicant: OHIO SOIL TRANSPORTATION, INC., 110 S. Mill Street, Milford Center, OH 43045. Representative: Charles A. Webb, Suite 1111, 1828 L Street NW., Washington, D.C. 20036. *Contract; Irregular: Nitrogen Solution, Anhydrous Ammonia and Phosphoric Acid, (1) between Kenton County, KY; Grand Rapids, Detroit, and Port Huron, MI, on the one hand, and on the other, the facilities of Ohio Soil Service, Inc. at Kileville and Newport in Madison County, OH; Milford Center and Marysville in Union County, OH; Urbana and Mechanicsburg in Champaign County, OH; and (2) from the facilities listed in (1) above to the following points: Carroll County, KY; Kanawha County, Mason County and Tyler County, WV, under a continuing contract(s) with Ohio Soil Service, Inc., Milford Center, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ohio Soil Service, Inc., 110 S. Mill St., Milford Center, OH 43045.*

MC 143730 (Sub-II-6TA), filed March 9, 1982. Applicant: PENINSULA TRUCKING CO., INC., 704 Morehouse Dr., New Castle, DE 19720. Representative: Richard M. Ochroch, 316 S. 16th St., Philadelphia, PA 19102. *Contract, irregular: Such merchandise as is dealt in by wholesale, retail and chain drug and pharmaceutical business houses, and equipment, materials and supplies used in the conduct of such business, between points in IN, IA, IL, KY, TN, OH, WV, PA, MD, VA, NC, GA, AL and DC, under continuing contract(s)*

with Hillcrest Sales of Clinton, MD. An underlying ETA seeks 120 days authority. Supporting shipper(s): Hillcrest Sales, 7422 Old Alexandria Ferry Rd., Clinton, MD 20735.

MC 160911 (Sub-II-1TA), filed March 9, 1982. Applicant: PERU HOLLOW TRANSPORT CO., 1303 Peru Hollow Road, Norwalk, OH 44857. Representative: Dennis A. Brown (same as applicant). *Contract; irregular: Rubber and Plastic Products*, between Akron, OH and Syracuse, NY for 270 days, under continuing contract(s) with Killian Latex, Inc., Akron, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): Killian Latex, Inc., 2064 Killian Rd., Akron, OH 44312.

MC 143348 (Sub-II-3TA), filed March 9, 1982. Applicant: PROFESSIONAL DELIVERY SYSTEMS INC., 8408 Zell Lane, Richmond, VA 23229. Representative: Paul C. Anderson (same as applicant). *Contract, irregular: Such merchandise as are dealt in or used by manufacturers of cosmetics and personal grooming and housecleaning aids*, between Richmond and Wytheville, VA; Charleston, WV, and points in VA, WV, MD, DC, NC and TN, under a continuing contract(s) with Stanley Home Products, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Stanley Home Products, Inc., 116 Pleasant St., Easthampton, MA 01027.

MC 160789 (Sub-II-1TA), filed March 9, 1982. Applicant: RAM EXPRESS COMPANY, 248 Lisa Drive, Pittsburgh, PA 15102. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Contract; irregular: Such commodities as are manufactured, distributed or sold by food, drug and grocery manufacturers or distributors, for the account of Beecham Products, Ltd. of Clifton, NJ*, between Alameda and Los Angeles Counties, CA; Clackamas County, OR; Denver County, CO; Clay County, MO; Dallas County, TX; Davidson, Shelby and Sullivan Counties, TN; Chatham County, GA; Bucks, Fayette and Cumberland Counties, PA; Wayne County, MI; Aiken County, SC; Passaic County, NJ; Hennepin County, MN; Milwaukee County, WI; Cook County, IL; Tippecanoe County, IN; Lucas County, OH and Middlesex County, MA, on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Beecham Products, Ltd. of Clifton, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Beecham Products, P.O. Box 1467, Pittsburgh, PA 15230.

MC 142466 (Sub-II-2TA), filed March 9, 1982. Applicant: RED LINE TRANSPORT CORP., 53 E. Thomas Ave., Baltimore, MD 21225. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Metal products*, between Baltimore, MD, on the one hand, and, on the other, points in NJ, PA, DE, and NY, for 270 days. Supporting shipper: Derby & Co., Inc., Pittsburgh, PA 15220.

MC 160918 (Sub-II-1TA), filed March 9, 1982. Applicant: S. L. RHOTON TRUCKING, Route #2, Box 70, Hagerstown, MD 21740. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Bricks* between Williamsport, MD, on the one hand, and, on the other, points in WV, VA, PA, and DC. Supporting shipper(s): Victor Cushwa & Sons, Inc., P.O. Box 228, Williamsport, MD 21795.

MC 151401 (Sub-II-3TA), filed March 10, 1982. Applicant: TRI-SERVICE, INC., P.O. Box 1419, West Chester, PA 19380. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814. *Textile mill products* between Campbell County, TN, on the one hand, and, on the other, points in FL, GA, NC, SC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, and ME for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Firtex Corp., P.O. Box 400, Campbell County Industrial Park, Jacksboro, TN 37757.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 154861 (Sub-3-6TA), filed March 8, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhofer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005. *Meat, meat products, meat by-products, and related products distributed by meat packinghouses*, from the facilities of Wilson Foods Corporation, located at or near Albert Lea, MN, Cedar Rapids and Cherokee, IA, Monmouth, IL, Marshall, MO, and Omaha, NE, to points in NC, SC, TN, LA, MS, GA, AL, and FL. Supporting shipper(s): Wilson Foods Corporation, 4545 North Lincoln Boulevard, Oklahoma City, OK 73105.

MC 160275 (Sub-3-3TA), filed March 8, 1982. Applicant: TOM MILLER TRUCKING COMPANY, P.O. Box 99, Claremont, NC 28610. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Work gloves and cotton waste* from (1) the facilities of Southern Glove Manufacturing Co., Inc. at Banner Elk, NC; Duffield, VA; Austinville, VA;

Glade Springs, VA; Conover, NC; and Mountain City, TN; and (2) the facilities of Carolina Glove Company at Taylorsville, NC; Williston, SC; Vale, NC; Carolina Beach, NC; Newton, NC; Wilkesboro, NC; Conover, NC; and Catawba, NC to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NY, NC, NJ, OH, OK, PA, RI, SC, TN, VT, VA, WV, and WI. Supporting Shippers: Southern Glove Manufacturing Co., Inc., P.O. Box 814, Conover, NC 28613; Carolina Glove Company, Drawer 820, Newton, NC 28658.

MC 146451 (Sub-3-35TA), filed March 8, 1982. Applicant: WHATLEY-WHITE, INC., 211 Murray Road, Dothan, Alabama 36302. Representative: W. Larry White (same as above). *Insecticides or Herbicides, agricultural, liquid or other than liquid, except in bulk in tank vehicles*, from Troy, AL to points in and east of the states of ND, SD, NE, KS, OK, and TX for the account of Chevron Chemical Company. Supporting shipper: Chevron Chemical Company, Route 2, Box 456, Troy, AL 36081.

MC 103051 (Sub-3-10TA), filed March 9, 1982. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). *Non-Metallic Minerals, in bags, in van trailers* from Campobello, SC to points in PA. Supporting shipper: A. B. Wood Chemical Co., Inc. P.O. Box 428, Campobello, SC 29322.

MC 160921 (Sub-3-1TA), filed March 9, 1982. Applicant: HIGHLAND TRUCKING COMPANY, INC., #2 Lower Woodville Rd., P.O. Box 306, Natchez, MS 39120. Representative: Samuel L. Cauthen (same as applicant). *Contract: Irregular: Lumber and wood products and metal and metal products* between Natchez, MS, on the one hand, and, on the other, points in AL, AR, LA, and TX. Supporting shippers: American United Products Corp., Liberty Rd., Natchez, MS 39120; RECO, Natchez, Inc., P.O. Box 1065, Natchez, MS 39120; and FEPCO, P.O. Box 462, Greenville, AL 36037.

MC 155004 (Sub-3-6TA), filed March 9, 1982. Applicant: JOSEPH LAND AND CO., INC., West Central Ave., P.O. Drawer 3310, Lake Wales, FL 33853. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Furniture parts, metal products, and paper and plastic products*, from Aurora and Carthage, MO, Winchester, Nicholasville, and Simpsonville, KY, Mason, OH, and Linwood, NC, to points in NC, SC, GA, FL, AL, MS, LA, TX, NM, AZ, CA, UT,

CO, NV, OR, WA, KY, and MO. Supporting shipper: Leggett & Platt, Incorporated, P.O. Box 757, Carthage, MO 64838.

MC 146451 (Sub-3-36TA), filed March 9, 1982. Applicant: WHATLEY-WHITE, INC., 211 Murray Road, Dothan, Alabama 36302. Representative: W. Larry White, same address as above. *Pulpboard, Plywood, and Lumber*, from Cedar Springs, GA to points in and east of the states of ND, SD, NE, KS, OK, and TX for the account of Great Southern Paper Company. Supporting shipper, Great Southern Paper Company, P.O. Box 44, Cedar Springs, GA 31732.

MC 160199 (Sub-3-2TA), filed March 9, 1982. Applicant: COOKE TRUCKING COMPANY, INC., Rt. 1, Box 128-A, Mount Airy, NC 27030. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Food and related products* from Greeley, CO; Des Moines, Oakland, Sioux City, and Marshalltown, IA; Garden City, KS; Omaha, NE; and Cactus and Hereford, TX to Washington, DC; Salisbury, Landover, Baltimore, and Silver Spring, MD; Charlotte, NC; and Richmond and Roanoke, VA. Supporting shipper: Associated Meats, Inc., 11215 Oakleaf Drive, Suite 120, Silver Spring, MD 20901.

MC 158365 (Sub-3-3TA), filed March 10, 1982. Applicant: J & J SERVICES, INC., 122 West Central Avenue, Lake Wales, FL 33853. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Waterbeds and accessories*, between the facilities of Classic Corporation and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Classic Corporation, 8214 Wellmoor Court, Jessup, MD 20794.

MC 145154 (Sub-3-12TA), filed March 9, 1982. Applicant: YOUNG'S TRANSPORTATION CO., Suite 246, 3401 Norman Berry Drive, East Point, GA 30344. Representative: John W. Greer III, 925 Healey Building, Atlanta, GA 30303. *Contract*; irregular; *pulpboard, folding cartons, and corrugated boxes* between points in the U.S., under continuing contract with Rock-Tenn Company, Norcross, GA. Supporting shipper: Rock-Tenn Company, 504 Thrasher Street, Norcross, GA 30071.

MC 160931 (Sub-3-1TA), filed March 10, 1982. Applicant: MID-CON TRUCKING CO., INC., 164 Distribution Drive, Birmingham, AL 35209. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Rubber, rubber articles, tire components and the parts,*

materials, equipment and supplies used in the manufacture, sale and distribution of rubber, rubber articles and tire components; between the facilities of Protyre located in Jefferson County, AL, on the one hand, and on the other, Ardmore, OK; Eau Claire, WI; Salem, VA; Norfolk, VA; Charleston, SC; Savannah, GA; Jacksonville, FL; Miami, FL; Mobile, AL; New Orleans, LA. Supporting shipper: Protyre, 158 Distribution Drive, Birmingham, AL 35209.

MC 151559 (Sub-3-2TA), filed February 22, 1982. Applicant: THE GRAY ROCK FARM, INC., Route 12, Box 143, Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. *Contract carrier*; irregular; *such commodities as are dealt in or used by food business establishments*, between Claremont, NC, on the one hand, and, on the other, points in AL, CO, FL, GA, KS, KY, MD, MN, SC, TN, VA, and DC, under contract with Western Steer-Mom 'n' Pop's, Inc. of Claremont, NC. Supporting shipper: Western Steer-Mom 'n' Pop's, Inc., P.O. Box 399, Claremont, NC 28610.

MC 133336 (Sub-3-1TA), filed March 10, 1982. Applicant: CAROLINA TRANSIT LINES OF CHARLOTTE, INC., 224 Iverson Way, Charlotte, NC 28203. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, N.W., Washington, DC 20005. *Passengers and their baggage*, in charter and special operations, beginning and ending at points in Anson, Gaston, Iredell, Cabarrus, Rowan, Stanly, Cleveland, Burke, Rutherford, Catawba and Union Counties, NC, and York, Lancaster and Chester Counties, SC, and extending to points in the U.S. Supporting Witnesses: There are five supporting witnesses to this application.

MC 118811 (Sub-3-1TA), filed March 10, 1982. Applicant: LAWRENCE MCKENZIE TRUCKING SERVICE, INC., P.O. Box 135, Winchester, KY 40391. Representative: William L. Willis, Suite 702, McClure Building, Frankfort, KY 40601. *Iron and steel articles*, between points in Boyd County, KY, on the one hand, and, on the other, points in AR and OK. Supporting shipper: Kentucky Electric Steel Company, P.O. Box 3500, Ashland, KY.

MC 154323 (Sub-3-2TA), filed March 10, 1982. Applicant: EAGLE CARTAGE CORPORATION, 201 Sherlake Rd., Knoxville TN 37922. Representative: Fred Bachschmidt, 201 Sherlake Rd., Knoxville TN 37922. *Non-ferrous metals, products manufactured therefrom, materials used in the reclamation of non-ferrous metals, and materials and*

supplies in the sales, distribution and manufacturing of non-ferrous materials, between points in the U.S. (except AK and HI). Supporting shipper: Metal Exchange Corporation, Suite 704, 111 West Port Plaza Drive, St. Louis, MO 63141.

MC 134064 (Sub-3-14TA), filed March 10, 1982. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 1600 Sherman St., Suite 665, Denver, CO 80203. (1) *Such commodities as are dealt in by manufacturers and distributors of swimming pools and spas, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above*, from Allen County, IN, to points in AL, FL, GA, NC, SC and TN. Supporting shipper: Atlas Engineering Service, Inc. 3229 Peachtree Corner Circle, N.W., Norcross, GA 30092.

MC 142563 (Sub-3-1TA), filed March 11, 1982. Applicant: PICKENS TRUCKING CO., INC., Route 1, Box 86, Livingston, AL 35470. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Scrap metal, in dump vehicles*, from points in MS to points in AL. Supporting Shipper(s): There are five statements of support which can be examined at the ICC Atlanta Regional Office, Atlanta, GA.

MC 160953 (Sub-3-1TA), filed March 11, 1982. Applicant: WALTER WEBB, Route 1, Box 97, Decherd, TN 37324. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Floor coverings*, between points in GA, on and north of Interstate Hwy 20, on the one hand, and, on the other, the facilities of Sun Country Carpet Distributing, Inc., at or near Phoenix, AZ. Supporting shipper(s): Sun Country Carpet Distributing, Inc., 3523 East Broadway, Phoenix, AZ.

MC 140902 (Sub-3-12TA), filed March 10, 1982. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract*; irregular; *Steel products* between Philadelphia, PA and its commercial zone and Baltimore, MD and its commercial zone under continuing contract(s) with Philadelphia Steel and Wire Corporation. Supporting Shipper(s): Philadelphia Steel & Wire Corporation, 2828 Charter Road, Philadelphia, PA 19154.

MC 148343 (Sub-3-1TA), filed March 12, 1982. Applicant: W.C. FORE TRUCKING, INC., P.O. Box 3058, Dedeaux Road, Gulfport, MS 39503.

Representative: Charles R. Galloway, P.O. Drawer H, 2300 14th Street, Gulfport, MS 39501. *Contract carrier, irregular pre-stressed and pre-cast concrete products, construction equipment, vehicular equipment, girders and beams* between points in the states of LA, MS, AL and FL, under a continuing contract or contracts with Gulf Coast Pre-Stress Co., Inc., of Pass Christian, MS, and Biloxi Prestress Concrete, Inc., of Biloxi, MS. Supporting Shipper(s): Gulf Coast Pre-Stress Co., Inc., P.O. Drawer D, Pass Christian, MS 39571, and Biloxi Prestress Concrete, Inc., P.O. Box 407, Biloxi, MS 39533.

MC 146674 (Sub-3-3TA), filed March 12, 1982. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. *Contract carrier: irregular: bakery goods, materials, equipment and supplies used in the manufacture of bakery goods*, under continuing contract(s) with Bremer Biscuits, Division of Ralston Purnia located in Louisville, KY, between Louisville, KY, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, CT, FL, GA, IL, IN, IA, KS, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, SC, TN, TX, UT, VT, VA, WA, WV, and WI. Supporting Shipper: Bremer Biscuits, P.O. Box 36187, Louisville, KY.

MC 160987 (Sub-3-1TA), filed March 12, 1982. Applicant: PIEDMONT MAINTENANCE COMPANY, d.b.a. THE PIEDMONT COMPANY, 1822 Wendell, Dalton, GA 30720. Representative: C. Jack Pearce, Law Offices of Jack Pierce, Suite 1200, 1000 Connecticut Avenue, N.W., Washington, D.C. 20036. *Contract Carrier; Irregular general commodities (except Class A & B explosives and used household goods)* under continuing contract(s) with Cross Country Shippers Association between all points in the U.S. Supporting Shipper: Cross Country Shippers Association, 109 Fishbrook Way, Simpsonville, South Carolina 29681.

MC 160140 (Sub-3-1TA), filed March 12, 1982. Applicant: FLORIDA COACHES & CHARTER, INC., 113 Valley Circle Drive, Longwood, FL 32750. Representative: O. C. Beakes, 836 Riverside Avenue, Jacksonville, FL 32204. *Passengers and their baggage in charter and/or specialized services and operations* from points in Duval, St. Johns, Flagler, Volusia, Orange, Lake, Sumter, Marion, and Alachua Counties, Florida, to GA, AL, TN, KY, MS, AR, LA, NM, SC, NC, VA, MD, DE, DC, PA, IN, OH, NJ, NY and VT and return to Florida points in charter and special

service with no intermediate pickup or service and from points in MI and WI to points in FL, GA, AL, TN, KY, MS, AR, LA, NM, IN, OH, SC, NC, VA, MD, DE, DC, PA, NJ, NY and VT in charter and/or special services and return with no intermediate pickup. There are 18 statements of support attached to this application which may be reviewed at Atlanta I.C.C. Office.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 108393 (Sub-4-13TA), filed March 3, 1982. Applicant: SIGNAL DELIVERY SERVICE, INC., 1010 Jorie Blvd., Suite 200, Oakbrook, IL 60521. Representative: Thomas B. Hill (same as applicant). *Contract, irregular: Aluminum billets and extrusions and scrap material*, between Russellville, AR and Fort Scott, KS, under contract(s) with Metal Mark, Inc. Supporting shipper: Metal Mark, Inc., Suite 1541, 332 South Michigan Ave., Chicago, IL 60604.

MC 136635 (Sub-4-24TA), filed March 3, 1982. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Road, South Bend, IN 46680. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Such commodities as are dealt in by manufacturers and distributors of plumbing equipment, fittings and fixtures and related products*, between Stark County, OH, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Crane Co., 14909 Gaskill Drive, P.O. Box 809, Alliance, OH 44601.

MC 144867 (Sub-4-8TA), filed March 8, 1982. Applicant: R & J TRANSFER, INC., 929 North 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, McBurney, Wyngaard & Wilson, 150 East Gilman Street, Madison, WI 53703. *Machinery* from Beloit, WI, Rockton, IL and Sandusky, OH, to points in the U.S. Underlying ETA seeks 120 day authority. Supporting shipper: Beloit Corporation, 1 Saint Lawrence Avenue, Beloit, WI 53511.

MC 145747 (Sub-4-5TA), filed March 8, 1982. Applicant: R & S TRANSPORT, INC., 3601 Wyoming Ave., P.O. Box 248, Dearborn, MI 48121. Representative: David A. Turano, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Fly ash*, in bulk, in tank vehicles, between pts in OH, PA, WV, and KY. Supporting shipper: Penn Virginia Materials Corp., 4950 E. 345th St., Willoughby, OH 44094.

MC 149457 (Sub-4-15TA), filed March 8, 1982. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Avenue,

Milwaukee, WI 53209. Representative: Thomas W. Brown, 8100 N. Teutonia Avenue, Milwaukee, WI 53209. *Contract irregular: Motors, marine outboard or parts thereof; lawn mowers or parts thereof; inboard-outboard (stern-drive) engines or parts thereof; lubricants and accessories for the above; turf and lawn equipment or parts thereof* between Beloit, Manawa and Milwaukee, WI; Galesburg and Waukegan, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI) under a continuing contract with Outboard Marine Corporation. Supporting shipper: Outboard Marine Corporation, 3145 Central Avenue, Waukegan, IL 60085.

MC 154739 (Sub-4-4TA), filed March 8, 1982. Applicant: JEBCO LEASING, INC., 515 Elcamino Road, Greenwood, IN 46142. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491. *Contract: irregular: Building materials*, from Newark, OH to Indianapolis and Bloomington, IN under continuing contract(s) with Rose & Walker, Inc. A corresponding ETA seeking 120 days. Supporting shipper: Rose & Walker, Inc., 300 Country Club Drive, Bloomington, IN 47401.

MC 160838 (Sub-4-1TA), filed March 3, 1982. Applicant: RICHARD E. MELVIN, d.b.a. GENERAL EXCAVATING & TRUCKING CO., P.O. Box 38, West Frankfort, IL 62896. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, Attorneys at Law, 907 South Fourth St., Springfield, IL 62703. *Contract irregular: Crushed automobiles* between points in the states of MO, KY, TN, IN, & IL, on the one hand, and points in the states of MO, IL, & TN, on the other hand. The supporting shipper is Jack A. Joplin Auto Crushing, P.O. Box 566, West Frankfort, IL 62896.

MC 160849 (Sub-4-1TA), filed March 4, 1982. Applicant: ERNIES WRECKER SERVICE, INC., P.O. Box 217, Prairie View, IL 60069. Representative: Irwin D. Rozner, 134 N. LaSalle St., Chicago, IL 60602. *Wrecked or disabled vehicles and replacement vehicles by towing*, between points in IL, IN, MI, MN, WI, OH, IA, TN, KY, MO, NE, MS, AR. Underlying TA was filed. There are seven supporting shippers.

MC 15546 (Sub-4-5TA), filed March 4, 1982. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Ave., Chicago, IL 60612. Representative: Ronald C. Kirchwehm (same address as applicant). *Such commodities as are dealt in or used by wholesale and retail groceries, drug stores, food business*

houses and department or chain stores between points in IL, IN, KY, MI, MO, OH and WI under a continuing contract with Helene Curtis Industries, Inc., of Chicago, IL. An underlying ETA for 120 days has been filed. Supporting shipper: Helene Curtis Ind. Inc., 4401 W. North Ave., Chicago, IL 60639.

MC 111941 (Sub-4-2TA), filed March 4, 1982. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491. *Contract*; irregular: *Commodities in bulk*, between Shelby County, IN, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Resource Recovery of Indiana, Inc., P.O. Box 567, Morristown, IN 46161. Supporting shipper: Resource Recovery of Indiana, Inc., P.O. Box 567, Morristown, IN 46161.

MC 124078 (Sub-4-71TA), filed March 4, 1982. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. (1) *Gilsonite* from Uintah Co., UT; (2) *Bentonite* from Big Horn Co., WY; (3) *Chemicals* from Lea County, NM; and (4) *Potassium Chloride* from Eddy Co., NM to points in CO, LA, MS, MT, NM, ND, OK, TX, UT and WY. Supporting shipper: Western Company of North America, 7609 White Settlement, Fort Worth, Texas 76108.

MC 141459 (Sub-4-9TA), filed March 10, 1982. Applicant: AGS ENTERPRISES, INC., #1 Clyde Avenue, Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). Transporting (1) *Plastics and plastic articles, facing brick, adhesives, paint*, (2) *commodities used in the manufacture, sale and distribution of articles in (1)* (except commodities in bulk) between Flora, IL, Kansas City, MO/KS, Xenia, OH and Los Angeles, CA, and their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI) for the account of K-S-H Inc. Supporting shipper: K-S-H Inc., 10091 Manchester Road, St. Louis, MO 63122.

MC 143203 (Sub-4-6TA), filed March 10, 1982. Applicant: CHI-WAUKEE TRUCK LINES, INC., 1501 W. Pershing Road, Chicago, IL 60609. Representative: Donald E. Weishaar, Suite 4, 2777 Finley Road, Downers Grove, IL 60515. *Contract* irregular: *Palletized, new empty, one-piece metal cans, pails, plastic containers and accompanying lids and closures* from Chicago, IL and its commercial zone to the facilities of United Coatings, Inc. located at or near

Charlotte, NC, Indianapolis, IN, Los Angeles, CA, and Memphis, TN under continuing contract(s) with United Coatings, Inc. Supporting shipper: United Coatings, Inc., 3050 N. Rockwell, Chicago, IL 60618.

MC 148994 (Sub-4-3TA), filed March 9, 1982. Applicant: MICHAEL W. AMABILE, d.b.a. TRIPLE AAA TRUCKING, 29891 Red Arrow Highway, Paw Paw, MI 49079. Representative: Nancy J. Amabile (same as applicant). *Contract* irregular: *Metal Products* (except commodities in bulk) from Hastings, MI to points in FL and TX, under continuing contract(s) with Hastings Aluminum Products, Inc. Supporting shipper: Hastings Aluminum Products, Inc., Division of National Aluminum, Subsidiary of National Steel, 429 South Michigan Avenue, Hastings, MI 49058.

MC 149457 (Sub-4-14TA), filed March 8, 1982. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Avenue, Milwaukee, WI 53209. Representative: Thomas W. Brown, 8100 N. Teutonia Avenue, Milwaukee, WI 53209. *Contract* irregular: *General Commodities* (except classes A and B explosives between Milwaukee, WI, on the one hand, and on the other, points in the U.S. (except AK and HI) under a continuing contract with Wisconsin Shippers Association. Supporting shipper: Wisconsin Shippers Association, 4100 W. Greentree Road, Milwaukee, WI 53209.

MC 151482 (Sub-4-10TA), filed March 10, 1982. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Drive, Rockford, IL 61109. Representative: Thomas F. Mohr (same as applicant). *Contract* irregular: *Food stuffs and related materials, equipment and supplies used in the manufacture and distribution of food and related products* between Beloit, WI., South Beloit, IL, and AL, FL, MO, MD, KY, NY, NJ, MI, NC, IN, SC, PA, IA, TX, GA, CA, ID, NV, OH, LA, TN. Restricted to traffic moving under continuing contract with Beatrice Foods, Company. Supporting shipper: Beatrice Foods, Co., Beloit, WI.

MC 154127 (Sub-4-3TA), filed March 8, 1982. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School Street, P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract*, irregular, *Food and related products*, From Ottawa County, MI to points in IN, IL, OH, and WI, under a contract or continuing contracts with Bil-Mar Foods, Incorporated, Zeeland, MI, for 270 days. An underlying ETA seeks 120 days of operating authority. Supporting shipper:

Bil-Mar Foods, Incorporated, 8300 96th Ave., Zeeland, MI.

MC 154739 (Sub 4-5TA), filed March 8, 1982. Applicant: JEBSCO LEASING, INC., 515 Elcamino Road, Greenwood, IN 46142. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491. *Contract*; irregular: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special handling and equipment), from Racine, WI, Cincinnati, Columbus and Toledo, OH, Des Plaines, Jacksonville, Joliet, Springfield and Chicago, IL, and Muskegon, MI to Indianapolis, Columbus, Lafayette, Fort Wayne, Terre Haute, and Bloomington, in under continuing contract(s) with H. P. Chemical Products Corp., 4220 Saguaro Trail, Indianapolis, IN 46268. Applicant has applied for ETA authority for 120 days. Supporting Shipper: H. P. Chemical Products Corp., 4220 Saguaro Trail, Indianapolis, IN 46268.

MC 158089 (Sub-4-2TA), filed March 3, 1982. Applicant: K & B TRANSPORT, INC., 7923 Whitecliff Road, Egg Harbor, WI 54209. Representative: Stephen H. Loeb, Suite 454, 29 South La Salle Street, Chicago, IL 60603. *Contract, Irregular, Building materials, and materials, equipment, and supplies used in the manufacture of building materials*, between the facilities of Certain Teed Corp., at Scott County, MN, on the one hand, and on the other, Chicago, IL and points in its commercial zone. Supporting Shipper: Certain Teed Corp., P.O. Box 860, Valley Forge, PA 19482.

MC 159260 (Sub 4-2TA), filed March 9, 1982. Applicant: MINORITY TRANSPORT, INC., 18165 Telegraph Rd., Brownstown, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Metal products, machinery, waste materials, clay, concrete, glass or stone products*, Between points in MI on the one hand, and on the other, points in the U.S. Supporting shipper: Wolverine Metal Company, Inc., 6500 E. Robinwood, Detroit, MI 48234.

MC 160670 (Sub-4-1TA), filed March 10, 1982. Applicant: HILL'S ENTERPRISES INC. OF SOUTHWESTERN MICHIGAN, 6447 Niles Road, St. Joseph, MI 49085. Representative: Nancy J. Amabile, 29891 Red Arrow Highway, Paw Paw, MI 49079. *Contract* irregular: *Auto parts and materials used in the manufacture of auto parts* between points in the U.S. except AK and HI, under continuing

contract(s) with Auto Specialties Manufacturing Co. Supporting Shipper: Auto Specialties Manufacturing Co., 643 Graves St., St. Joseph, MI 49085.

MC 160878 (Sub 4-1TA), filed March 8, 1982. Applicant: WHALEN TRANSFER & STORAGE CO., INC., 69 West Beltline Highway, Madison WI 53710. Representative: Michael J. Wyngaard, McBurney, Wyngaard & Wilson, 150 East Gilman St., Madison, WI 53703. *Contract Irregular: Such commodities as are dealt in or used by retail department stores*, between Madison, WI, on the one hand, and on the other, Rockford IL, under a continuing contract(s) with The H. C. Prange Company. Underlying ETA seeks 120 day authority. Supporting shipper: The H. C. Prange Company, 310 North Washington Street, Green Bay, WI 54301.

MC 160906 (Sub-4-1), filed March 8, 1982. Applicant: LEE LUNDE d.b.a. VIKING OIL & HOTSHOT SERVICE, Mohall, ND 58761. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056. *Contract irregular: mercer commodities (except drilling rigs and commodities in bulk) (1) between Mohall, ND, on the one hand and, on the other, points in ND, SD, MT, WY, KS, TX, OK, NE, and CO, and (2) between points in ND, SD, MT, and WY under contract with Dover Corporation-Norris Division and National Supply Company. Underlying ETA seeks 120-day authority. Supporting shippers: Dover Corporation-Norris Division, Box 824, Williston, ND; National Supply Company, A Division of Armco, Box 337, Mohall, ND.*

MC 160951 (Sub-4-1TA), filed March 10, 1982. Applicant: A. M. EXPRESS, INC., 18603 Harrison Street, Lowell, IN 46356. Representative: Edward G. Bazelon, 29 South La Salle Street, Chicago, IL 60603. *Contract: Irregular: Food and related products*, between the facilities of Indiana Sugars, Inc., in Gary, IN, on the one hand, and, on the other, points in IL, MI, OH and WI, under continuing contract(s) with Indiana Sugars, Inc. Supporting shipper: Indiana Sugars, Inc., 911 Virginia Street, Gary, IN 46401.

MC 160964 (Sub-4-1), filed March 11, 1982. Applicant: DENNIS J. HUNEKE, d.b.a. HUNEKE TRUCKING, 23680 129th Avenue North, Rogers, MN 55374. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, between Estherville, IA, and Sioux Falls, SD, on the one hand, and, on the other, points in MN in a south of Big Stone, Stevens,

Pope, Stearns, Benton, Mille Lacs, Isanti and Chisago Counties under continuing contract(s) with J & B Wholesale Distributing, Inc. of St. Michael, MN. Supporting shipper: J & B Wholesale Distributing, Inc., 401 Central, St. Michael, MN 55376.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 37640 (Sub-5-1TA), filed March 9, 1982. Applicant: TRANSPORTATION ENTERPRISES, INC., 1135 Gunter, Austin, TX 78702. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Common; Regular; (a) *passengers and their baggage, and express, newspapers, and mail* in the same vehicle with passengers, (1) between Houston, TX, and Freeport, TX, serving all intermediate points: From Houston over Texas Hwy. 228 to Freeport and return over the same route; (2) Between Clute, TX, and Lake Jackson, TX, serving all intermediate points: From Clute over Texas Hwy 332 to Lake Jackson and return over the same route; and (b) over irregular routes, transporting *passengers and their baggage* in charter and special party operations originating at points on and along the routes described in (1) and (2), above, and extending to points in the U.S. Supporting shipper(s): 13. Applicant intends to tack.

MC 52525 (Sub-5-1TA), filed March 8, 1982. Applicant: IOWA VAN AND STORAGE CO., 541 S. Iowa Avenue, Ottumwa, IA 52501. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Poly and Vinyl Synthetic Plastic Resins, in Bulk, in shipper-owned Hopper Vans*; Between Ottumwa and Centerville, IA in Interstate Commerce. Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

MC 117765 (Sub-5-30TA), filed March 8, 1982. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Potash, in bags*, From points in Eddy County, NM to points in OK. Supporting shipper: Arrow Tank Truck, Inc., P.O. Box 248, Krebs, OK 74554.

MC 145925 (Sub-5-2TA), filed March 8, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Road, Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. *Contract, irregular; General Commodities (except Classes A and B explosives)*, between points in the US

under continuing contract(s) with Delicious Foods Co. Supporting shippers: Delicious Foods Co., North Highway 281, Grand Island, NE 68801.

MC 146553 (Sub-5-22TA), filed March 8, 1982. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Food and related products*, between the facilities of or used by International Distributing Corporation at pts in the U.S., on the one hand, and, on the other, pts in the U.S. Supporting shipper(s): International Distributing Corporation, P.O. Box 22106, St. Louis, MO 63116.

MC 147196 (Sub-5-44TA), filed March 8, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181-0686. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *Plastic & wirebound milk cases, plastic & wire plants supports, plastic furniture & plastic & wire bread trays*. From the facilities of Piper Industries, Inc. located at Jackson, MS, Claridon, AK, and Cudahy, WI., on the one hand, and, on the other, all points in the 48 states. Supporting shipper: Piper Industries, Inc., 4990 Popular Avenue, Suite 218, Memphis, TN.

MC 147196 (Sub-5-45TA), filed March 8, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181-0686. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *General Commodities* between, on the one hand Dallas, TX and on the other points in the U.S. Supporting shipper: Consolidated LTL Discounts, Inc. 3413 Hawes, Dallas, TX.

MC 149144 (Sub-5-2TA), filed March 8, 1982. Applicant: SCHIERDING TRUCKING CO., 3690 West Clay, St. Charles, MO 63301. Representative: James E. Schierding (same address as applicant). *Cleaning washing compounds, cleaning washing liquids, textile softeners, non-medicated syrup, vegetable oils, toilet preparations, mouthwash, and materials, equipment and supplies used in their manufacture and distribution*, between St. Louis, MO, on the one hand, and, on the other, points in GA and MN. Supporting shipper(s): Lever Brothers Company, 1400 N. Pennsylvania Ave., St. Louis, MO 63133.

MC 149573 (Sub-5-3TA), filed March 8, 1982. Applicant: NTL, INC., P.O. Box 6645, Lincoln, NE 68506. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Contract, irregular; food and related products* between pts in the U.S.

under continuing contract with Swift Independent Packing Company, Chicago, Illinois. Supporting shipper: Swift Independent Packing Company, 115 W. Jackson Blvd., 7th Floor, Chicago, Illinois 60604.

MC 150017 (Sub-5-4TA), filed March 8, 1982. Applicant: DELICIOUS FOODS CARRIERS, INC., P.O. Box 730, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Food and related products*, between pts in Adams County, NE, on the one hand, and, on the other, pts in the U.S. Supporting shipper: DeMars Distributing Company, 111 North Burlington, Hastings, NE 68901.

MC 151118 (Sub-5-16TA), filed March 8, 1982. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *Metals and metal products; rubber and plastic products; and equipment, materials, and supplies used in the manufacture, assembly, sale and distribution thereof, (except commodities in bulk and classes A & B explosives)*, between points in Cross and St. Francis Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper(s): Halstead Industrial Products, a division of Halstead Industries, Inc., P.O. Box 309, Wynne, AR 72396.

MC 151819 (Sub-5-26TA), filed March 9, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: Jackson Salasky (same as applicant). *Malt beverages and related materials and supplies* from Memphis, TN, to Greeley and Niwot, CO. Supporting shipper: Twin City Distributing, Inc., P.O. Box 637, Greeley, Co, 80632.

MC 155107 (Sub-5-4TA), filed March 8, 1982. Applicant: GEORGE R. BUCHANON d.b.a. SUPER "B" EXPRESS, P.O. Box 1195, Sherman, TX 75090. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Foodstuffs and Related Articles* between the facilities of The Pillsbury Company and points in the U.S. Restricted to shipments originating at or destined to the facilities of The Pillsbury Company. Supporting shipper: The Pillsbury Company, 3400 Texoma Drive, Denison, TX 75020.

MC 160592 (Sub-5-1TA), filed March 8, 1982. Applicant: BACK TRUCKING CO., P.O. Box 293, Denison, IA 51442. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. *Meat, meat products and meat byproducts*, between pts in IA, MN and SD, and pts in AL, AR, CA, CT, DE, DC, FL, GA, IL, KS, LA, ME, MD, MA, MS,

MO, NH, NJ, NY, NC, OK, OH, PA, RI, SC, TN, TX, VT, VA, and WV. Supporting shippers: John Morrell & Co., 208 S. LaSalle, Chicago, IL 60604, North American Brokerage Co., Ltd., P.O. Box 2414, Sioux City, IA 51102, Schleswig Specialty Meats, Inc., Schleswig, IA 51461, and S.E.C.A. Brokerage Co., P.O. Box 1514, Spencer, IA 50301.

MC 160592 (Sub-5-2TA), filed March 8, 1982. Applicant: BACK TRUCKING CO., P.O. Box 293, Denison, IA 51442. Representative: D. Douglas Titus, 340 Insurance Exchange Bldg., Sioux City, IA 51101. Contract irregular *meats, meat products, meat byproducts and articles and supplies used by meat packing houses* between the facilities of or used by Swift Independent Packing Co. and pts in the U.S., except AK and HI. Supporting shipper: Swift Independent Packing Co., 115 W. Jackson Blvd., Chicago, IL 60604.

MC 160785, (Sub-5-1TA), filed March 8, 1982. Applicant: CASTAR TRUCKING, 7840 "F" Street, Omaha, NE 68127. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Contract, irregular: *Coffee, tea, cocoa, flavoring syrup, beverage preparations, jams and jellies, sugar, and coffee making machines*, from the facilities of the Coca-Cola Company, Foods Division, Omaha, NE to Denver, CO; Minneapolis, MN; Sioux Falls, SD; Fargo, ND; Milwaukee, WI; Davenport, IA; Kansas City, MO-KS; and St. Louis, MO (and pts in their respective commercial zones), under a continuing contract(s) with the Coca-Cola Company, Foods Division, Omaha, NE Supporting shipper: The Coca-Cola Company, Foods Division, 711 So. 10th Street, P.O. Box 1044, Omaha, NE 68102.

MC 160879 (Sub-5-1TA), filed March 8, 1982. Applicant: MILLER SPECIALTY TRUCKING, INC., P.O. Box 414, 5A Street, S.W., Ardmore, OK 73401. Representative: Herbert H. Thomas, 2222 South Tower Plaza of the Americas, Dallas, 75201. *General commodities (except Classes A and B explosives, household goods and commodities in bulk)*. Restricted to traffic having a prior or subsequent movement by rail between Carter County, OK on the one hand, and, on the other, Love, Jefferson, Stephens, Grady, Murray, Garvin, Ponotac, Johnston, Marshall, Bryan, Atoka, Choctaw, Pittsburg, Coal, Comanche, Cotten and Caddo Counties, OK; and Wichita, Clay, Jack, Montague, Cooke, Wise, Denton, Graywon, Collin, Hunt, Fannin and Lamar Counties, TX. Supporting shipper(s): National Piggyback Services, Inc., 5545 Murray Avenue, Memphis, TN 38119.

MC 160880 (Sub-5-1TA), filed March 8, 1982. Applicant: DELBERT RALEY and WILLIS REASONER d.b.a. R & R TRUCKING COMPANY, P.O. Box 224, Stigler, OK 74462. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Coal* from Haskell County, OK to TX. Supporting shipper: Cimmaron Coal Co., 14110 Dallas Parkway, Dallas, TX.

MC 160887 (Sub-5-1TA), filed March 8, 1982. Applicant: JESSE J. EAKERS d.b.a. EAKERS TRANSPORTS, 5503 N. Douglas, Spencer, OK 73084. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Industrial and oil field chemicals (except in bulk)*, between points in Oklahoma County, OK on the one hand, and, on the other, points in KS and TX. Supporting shippers: Moon Chemical Products, Inc., 8112 S.W. 8th, Oklahoma City, OK 72138; Malco Chemical Company, 7915 S.W. 34th, Oklahoma City, OK 73179.

MC 160888 (Sub-5-1TA), filed March 8, 1982. Applicant: JOHN H. SCHUEMAN, P.O. Box 577, Avoca, IA 51521. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite #210B, Omaha, NE 68114. *Meats and packinghouse products*, from Omaha, NE to pts in the U.S. in and west of MI, OH, IN, IL, MO, AR, and LA. Supporting shipper: Union Packing Company of Omaha, 4501 So. 36th Street, Omaha, NE 68107.

MC 160890 (Sub-5-1TA), filed March 8, 1982. Applicant: STEVEN C. MEIMANN, d.b.a. MEIMANN SEED CO., R.R. #2, Zearing, IA 50278. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Liquors and wines*, from Jacksonville, FL; Owensboro, KY; and Cincinnati, OH, to N. Mankato, MN. Supporting shipper: State Distillers, Inc., 1119 Center Street, Box 1938, N. Mankato, MN 56001.

MC 79658 (Sub-5-2TA), filed March 12, 1982. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, Evansville, IN 47711. Representative: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. Contract, irregular; *household goods and general commodities (except Class A and B explosives)*, between all points in the U.S. under continuing contracts with Control Data Corporation.

MC 97170 (Sub-5-1TA), filed March 10, 1982. Applicant: LAKE TRUCKING CO., INC., 510 East First Avenue, Corsicana, TX 75110. Representative: Robert J. Birnbaum 3636 Executive Center Drive, Suite 151, Austin, TX 78731. Contract, irregular. *Mercer commodities*, between points in the U.S.

under a continuing contract or contracts with Fetter's Welding, Inc., Mexia, TX.

MC 112713 (Sub-5-36TA), filed March 12, 1982. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr., P.O. Box 7270 Overland Park, KS 66207. Contract; irregular. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, hazardous wastes, and commodities in bulk)*, between all points in the U.S., under continuing contract with Duncan Enterprises. Supporting shipper: Duncan Enterprises, 5673 East Shields, Fresno, CA.

MC 116164 (Sub-5-3TA), filed March 12, 1982. Applicant: ARROW TRANSPORTATION CO., 1911 N.E. 58th Avenue, Des Moines, IA 50313. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Building and construction materials, and equipment, materials and supplies used in the manufacture and distribution of building and construction materials*, between points in the U.S. in and east of ND, SD, NE, KS, OK and TX, restricted to the transportation of traffic originating at or destined to the facilities of The Celotex Corporation. Supporting shipper(s): The Celotex Corporation, P.O. Box 22602, Tampa, FL 33622.

MC 125535 (Sub-5-21TA), filed March 10, 1982. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Road, St. Louis, MO 63141. Representative: (same as above). Contract: Irregular *General Commodities (except Household goods, Class A and B explosives and commodities in bulk in tank vehicles)*. Between points in the U.S. (except AK and HI). Supporting shipper: Westinghouse Corporate Transportations Division of, Westinghouse Electric Corporation, 290 Leger Road, North Huntingdon, PA 15642.

MC 141021 (Sub-5-3TA), filed March 11, 1982. Applicant: PETROLEUM TRANSPORT CO., INC., P.O. Drawer 1559, Kenner, LA 70063. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA 70130. *Cement in bags and in bulk, oil field drilling mud in bags and in bulk, mineral filler in bags and in bulk* from points in LA to points in MS. Supporting shippers: 4.

MC 141021 (Sub-5-4TA), filed March 11, 1982. Applicant: PETROLEUM TRANSPORT CO., INC., P.O. Drawer 1559, Kenner, LA 70063. Representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, LA 70130. *Gasoline and diesel in bulk in tank*

vehicles between points in LA and MS. Supporting shippers: 3.

MC 141536 (Sub-5-1TA), filed March 10, 1982. Applicant: BILL BLANN, d.b.a. BLANN TRACTOR COMPANY, Route 2, Box 38, Hampton, AR 71744. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Beer*, from St. Louis, MO to Camden, AR. Supporting shipper: Camden Wholesale Co., Inc., P.O. Box 160, Camden, AR 71701.

MC 142279 (Sub-5-1TA), filed March 11, 1982. Applicant: RAY REICH d.b.a. RAY REICH TRUCKING CO., Rt. 1, Box 133F, Forest Hill, LA 71430. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Forest, wood and lumber products and building materials* between points in LA, on the one hand, and, on the other, AR, KS, MS, OK, and TX, under a continuing contract with Allied Building Stores, Inc., of Monroe, LA.

MC 147196 (Sub-5-46TA), filed March 10, 1982. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 10686, Jefferson, LA 70181-0686. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *Tubing insulation, adhesives, refrigerant oils, chemicals and solvents (except in bulk)* between the facilities of Precisionaire, Inc., at St. Petersburg, FL, Atlanta, GA, Dallas, TX, and Harahan, LA, on the one hand, and, on the other, all points in the 48 states. Supporting shipper: Precisionaire, Inc., P.O. Box 7568, St. Petersburg, FL, 33734.

MC 151210 (Sub-5-2TA), filed March 10, 1982. Applicant: RAMROD TRUCKING, INC., 9005 Weedy Lane, Houston, TX 77093. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. *Mercer commodities*, between points in Harris and Montgomery Counties, TX, on the one hand, and, on the other, points in LA, OK and KS. Supporting shippers: 6.

MC 152444 (Sub-5-6TA), filed March 10, 1982. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy 36 and 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105-1961. *Petroleum, natural gas and their products* from Kansas City, KS and its commercial zone to all points in MO. Supporting shipper: John Rupp Oil Company, 108 Washington, Chillicothe, MO 64601.

MC 154728 (Sub-5-3TA), filed March 11, 1982. Applicant: HARVEY G. ALLEN d.b.a. ALLEN TRUCKING COMPANY, 11603 Kerry Lane, Mabelvale, AR 72103. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201.

Treated wood products (posts, poles, pilings, cross-ties, landscape timbers, treated lumber, etc.); between Fordyce and North Little Rock, AR, on the one hand, and, on the other, points in IL, KY, NM, AZ, CO and MN. Supporting shipper: Fordyce Wood Preservers, Inc., P.O. Box 346, Rison, AR 71665.

MC 160788 (Sub-5-1TA), filed March 12, 1982. Applicant: J & H TRUCKING, INC., Route 2, Box 98A, Leedey, OK 73654. Representative: Michael H. Lennox, 531 N. Portland Avenue, Oklahoma City, OK 73147. Contract, irregular; *Oilfield Equipment, Materials and Supplies*, between OK, KS, LA, TX on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contracts with Offshore and Inland Leasing, Inc., Elk City, OK 75662.

MC 160875 (Sub-5-1TA), filed March 12, 1982. Applicant: WEST SIDE GRAIN & SALVAGE, INC., 86 Main Avenue, Atkins, IA 52206. Representative: Richard P. Moore, 2720 First Avenue NE., Cedar Rapids, IA 52406. Contract; irregular; *corn germ in bulk*, from Cedar Rapids, IA to Decatur, IL. Supporting shipper: ADM Corn Sweeteners, 1350 Waconia Avenue, Cedar Rapids, IA 52404.

The Following Applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 107028 (Sub-6-1TA), filed March 4, 1982. Applicant: ACME TRANSPORTATION, INC., 2832 Giant Rd. San Pablo, CA 94804. Representative: Thomas M. Loughran, 100 Bush St., 21st Fl. San Francisco, CA 94104. *Waste transformer oil*, in bulk, between points in CA, on the one hand, and, on the other, points in Union County, AR and Harris County, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Pacific Gas & Electric Company, 77 Beale St., San Francisco, CA 94105.

MC 160928 (Sub-6-1TA), filed March 9, 1982. Applicant: BJD, INC., 63945 Tyler Road, Bend, OR 97701. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Burns and John Day, OR. From Burns over US Hwy 20 to Jct US Hwy 395, then over US Hwy 395 to John Day, and return over the same route, serving the intermediate point of Seneca, OR, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): John J. Lobdell, Public Utility Commissioner of Oregon,

Labor & Industries Building, Salem, OR 97310.

MC 150293 (Sub-6-2TA), filed March 5, 1982. Applicant: CLARE L. BENDER, an individual, 809 Flora, Prescott, AZ 86301. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012. *Cat litter, floor sweep, materials and supplies used in the production and distribution of cat litter and floor sweep*; between points in Yavapai County, AZ on the one hand, and, on the other, points in CA, OR and WA for 270 days. Supporting Shipper: Magic Mountain Mining, P.O. Box 112, Kirkland, AZ 86332.

MC 160613 (Sub-6-1TA), filed March 8, 1982. Applicant: C & D OIL FIELD SERVICE, INC., P.O.B. 597, Rock Springs, WY 82901. Representative: Charles R. McIntyre, P.O. B. 15312, Salt Lake City, UT 84115 *Oil Field equipment and supplies used in the manufacturing and distribution in the oilfield industry, including commodities in bulk*, between points in and west of LA, OK, KS, NE, SD and ND for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: N. L. Baroid, Inc., Reliance, WY 82943, Weather Ford Lamb, Rock Springs, WY 82901 and Petro Chem, Inc., 87 Mesa Drive, north of Rock Springs, WY 82901.

MC 156056 (Sub-6-2TA), filed March 9, 1982. Applicant: DWIGHT & GLENNA LEFNER, d.b.a. D & G EXPRESS, P.O. Box 804, Bethel, AK 99559. Representative: (same as applicant). *General commodities* (Except class A & B explosives, hazardous waste materials, commodities in bulk in tank type equipment) From Bethel, AK City Dock to any point accessible by road in the Bethel area, for 270 days. Supporting shippers: Korhous Parts & Repair, P.O. Box 1016, Bethel, AK 99559; Bethel Fire Dept., Box 388, Bethel, AK 99559; General Telephone, P.O. Box 186, Bethel, AK 99559; and Nicholson's Auto Sales & Rentals, Inc., Box 405, Bethel, AK 99559.

MC 150756 (Sub-6-8TA), filed March 3, 1982. Applicant: GUTHMILLER TRUCKING, INC., P.O. Box 206, Union City, CA 94587. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *Containers, closures and ends, and related materials, equipment or supplies used in the manufacture of containers*, between the Continental Can Company, U.S.A. facilities at Phoenix, AZ; Los Angeles, Commerce, Van Nuys, Pittsburg, San Jose and Sacramento, CA; Pocatello, ID; Junction City and Portland, OR; and Olympia, Tukwila, Walla Walla, Yakima and Moses Lake, WA; on the one hand, and points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA

and WY, for 270 days. Supporting shipper: Continental Can Company, U.S.A., P.O. 1210, San Jose, CA 95108.

MC 95350 (Sub-G-1TA), filed March 8, 1981. Applicant: R.W. JONES TRUCKING COMPANY, P.O. Drawer T, Vernal, UT 84078. Representative: Thomas M. Zarr, 455 South Third East, Salt Lake City, UT 84111. *Mercer Commodities*, between points in Duchesne and Uintah Counties, UT, on the one hand, and points in Kititas, Yakima and Klickitat Counties, WA and Sherman, Gilliam and Wasco Counties, OR, on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Shell Oil Company, P.O. Box 10, Altamont, UT, 84011 and Western Oil Well Service Co., Box 1515, Roosevelt, UT, 84066.

MC 160865 (Sub-6-1TA), filed March 5, 1982. Applicant: LOS ANGELES SIGHTSEEING TOURS, INC., 2700 West 3rd St., Suite 102, Los Angeles, CA 90057. Representative: Kazuhiro Nakagawa (same as applicant). *Passengers and baggage or passengers in the same vehicle with passengers in charter operations*, from Los Angeles, CA to points in NV, AZ, UT, and CA, for 180 days. Supporting shippers: Japan Travel Bureau, 624 S. Grand Ave., Rm. 1410, Los Angeles, CA 90014; Nippon Travel Agency Pacific, Inc., 727 W. 7th St., Rm. 1035, Los Angeles, CA 90017; Royal Tours, Inc., 2140 W. Olympic Blvd., Los Angeles, CA 90006.

MC 143144 (Sub-6-3TA), filed March 9, 1982. Applicant: LUDTKE PACIFIC TRUCKING, INC., 1507 E. Illinois St., Bellingham, WA 98226. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Wine, malt beverages, soft drinks and mineral water products* from points in CA to points in Whatcom County, WA; from points in Whatcom County and Seattle, WA, to points on the U.S.-Canada International boundary line in WA, for 270 days. Supporting shipper: Haida Trading, Inc., 2007 Iowa St., Bellingham, WA.

MC 143144 (Sub-6-4TA), filed March 8, 1982. Applicant: LUDTKE PACIFIC TRUCKING, INC., 1507 E. Illinois St., Bellingham, WA 98226. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Furniture, fixtures and appliances* from points in CA, AZ, OR, ID and WA to WA and AK, for 270 days. Supporting shippers: New Oraska, Inc., 17847 156th Pl. S.E., Renton, WA 98055; Stalker Enterprises, 15310 107th Ave., Puyallup, WA 98373; International World Traders, Inc., 5824 Meridian N., Puyallup 98371; Alaska World Traders, 3146 Seward Highway, Anchorage, AK 99503.

MC 143144 (Sub-6-5TA), filed March 8, 1982. Applicant: LUDTKE PACIFIC TRUCKING, INC., 1507 E. Illinois St., Bellingham, WA 98226. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Industrial chemicals and related products, rubber and plastic products and transportation equipment* from points in CA and NV to points in WA for 270 days. Supporting shippers: Janco United, Inc., 44124 S., Seattle, WA; Western Compound Co., Inc., 1024 6th Ave. S., Seattle, WA.

MC 159783 (Sub-6-1TA), filed March 8, 1982. Applicant: MIRY CREEK TRANSPORT, LTD., P.O. Box 239, Abbey, Sask., CN SON CAO. Representative: Robert Elwood Haggart, P.O. Box 239, Abbey, Sask., CN SON CAO. (1) *Fertilizer*-all types from and to ports of entry on the International boundary to and from all points in MT, for 270 days. ETA seeks 120 day authority. Supporting shippers: Panorama Mutual, Ltd., Box 2, Site 1, CABRI, Sask., CN SON OJO; Con Aga, Inc., Box 67, Havre, MT 59501.

MC 150084 (Sub-6-3TA), filed March 8, 1982. Applicant: PRIDE TRANSPORT, 1102 W. 2100 So., Salt Lake City, UT 84104. Representative: Franklin L. Slaugh, 8522 So. 1300 E., Suite D-203, Sandy, UT 84070. *Contract Carrier*, irregular routes: *Building materials* (1) From ID, OR, MT and WA to Salt Lake City UT, and (2) from Salt Lake City UT to those states in and west of CO, MT, TX and WY, under continuous contract(s) with J. D. Woods, Inc., of Salt Lake City, UT, for 270 days. Supporting shipper: J. D. Woods, Inc., 1953 So. 4130 W, Salt Lake City, UT 84104.

MC 160051 (Sub-6-2TA), filed March 5, 1982. Applicant: TALENT TRUCKING CO., P.O. Box 320, Talent, OR 97540. Representative: John A. Anderson, Suite 801, The 1515 Bldg., 1515 S.W. 5th Ave., Portland, OR 97201. (1) *Furniture and fixtures and (2) materials, equipment and supplies used in the manufacture, sale and distribution of furniture and fixtures*, between the facilities of Sirco Manufacturing at or near Missoula, MT and Stevens Point, WI, on the one hand, and, on the other points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Sirco Manufacturing, 1919 North Ave. W., Missoula, MT 59801.

MC 160718 (Sub-6-1TA), filed March 4, 1982. Applicant: TEMPO TRUCKING, INC., 2701 50th Ave., N.E., Tacoma, WA 98422. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. *Contract carrier*, irregular routes, *general commodities* (except Class A

and B explosives), between King, Pierce and Snohomish Counties, WA, under continuing contract with Peninsula Shippers Association, for 270 days. An underlying ETA Application seeks 120 days authority. Supporting shippers: Peninsula Shippers Association, 701 6th N.W., Auburn, WA 98002.

MC 160893 (Sub-6-1TA), filed March 8, 1982. Applicant: AGUSTIN GONZALEZ and EVA R. GONZALEZ, d.b.a. THREE STAR TOURS, 32851 Sky Blue Water Trail, Cathedral City, CA 92262. Representative: Floyd H. Schenk, 559 S. Palm Canyon Drive, Suite B-206, Palm Springs, CA 92262. *Passengers and their luggage*, on a charter tour basis between Riverside County, CA, and Clark County, NV, for 180 days. Supporting shippers: Palm Springs Travel Service, 1729 E. Palm Canyon Drive, Palm Springs, CA 92262; Tulip Travel Center, Inc, 245 S. Palm Canyon Drive, Palm Springs, CA 92262; Four Queens Fun Tours, 42-480 Glass Drive, Bermuda Dunes, CA 92201.

MC 149142 (Sub-6-2TA), filed March 9, 1982. Applicant: WESLEY J. REYNOLDS, d.b.a. W.R. TRUCKING, 3022 MacArthur Blvd., Oakland, CA 94602. Representative: Wesley J. Reynolds (same as applicant). *Contract Carrier*, Irregular routes: *Machinery or Machines or Parts*, and *Hardware*, and material, equipment, and supplies used in the manufacture thereof, between Union City, CA and Portland, OR and Seattle, WA, under continuing contract(s) with Campbell Chain Div. McGraw Edison Company, for 270 days. Supporting shipper: Campbell Chain Div., McGraw Edison Company, 3990 E. Market Street, York, PA 17402

MC 151225 (Sub-6-10TA), filed March 3, 1982. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Stephen E. Napper, 718 17th Street, Suite 1700, Denver, CO 80202. *Cement*, from Leamington and Murray, UT to points in CO and NM, for 270 days. Supporting shippers: There are (5) shippers. Their statements may be examined at the Regional Office listed above.

MC 148692 (Sub-6-5TA), filed March 8, 1982. Applicant: ZABEN TRANSIT, INC., 5320 Wadsworth Blvd., Arvada, CO 80002. Representative: Jerry L. Mutchie (same as applicant). *Conveyors, conveying equipment, news-paper material handling equipment, and related items used in the manufacture, installation, or sale of the above*, between points in the U.S. and Denver, CO, for 270 days. Supporting shipper: Nolan Systems, Inc., 11250 E. 40th, Denver, CO 80239.

MC 160950 (Sub-6-1TA), filed March 9, 1982. Applicant: JAMES L. ANDRUS TRUCKING, P.O. Box 344, Mesquite, NV 89024. Representative: Douglas W. Dredge, 86 E. 1420 So., Farmington, UT 84025. *Contract Carrier*, irregular routes, *Soil Amendments, Shavings and Bark* between Coconino and Maricopa counties, AZ on the one hand, and, on the other, points in CA, CO, NV, NM, OK, TX, and UT, for the account of Kaibab Industries; for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kaibab Industries, P.O. Box 20506, Phoenix, AZ 85036.

MC 160972 (Sub-6-1TA), filed March 10, 1982. Applicant: AURORA TRUCKING, INC., P.O. Box 81290, Fairbanks, AK 99708. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Edina, MN 55424. *General Commodities (except Classes A and B explosives)* between points in AK, on the one hand, and, on the other, points in CA, LA, MN, MT, OR, TX, WA, WI, and WY for 270 days. Supporting shippers: There are 11 shippers their statements may be examined at the Regional Office listed above.

MC 160544 (Sub-6-1TA), filed March 10, 1982. Applicant: STEVEN H. BARNES and LEA M. BARNES, d.b.a. BARNES DISTRIBUTING AND TRUCKING, 403 N. Castlecrest Ct., Elko, NV 89801. Representative: Steven H. Barnes (same as applicant). *Contract Carrier*, Irregular Routes, *Oil Field Products and Loss Circulation Materials such as: Barite, Bentonite, Soda Ash, Aquagel*, and all *loss circulation materials*, between points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, TX, UT, WA, WY, for the account of NL Baroid/NL Industries for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: NL Baroid/NL Industries, Inc., P.O. Box 1675, Houston, TX 77001.

MC 160973 (Sub-6-1TA), filed March 9, 1982. Applicant: BLACK DIAMOND ENTERPRISES, INC., 2309 S. 3rd P.O. Box 9276, Yakima, WA 98909. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Ave., Portland, OR 97214. *Plastic sheeting, plastic rolls, plastic bags, scrap plastic materials, polyethylene resins, polystyrene, cleaning solvent, dyes, glues and adhesives, paper roll cores and cardboard totebins*, Between Yakima, WA on the one hand, and, on the other, Sacramento, Oakland, Los Angeles, San Diego, CA, Portland, Eugene and Salem, OR, Seattle, WA, Reno, Carson City, Lovelock, Las Vegas, Elko and Austin, NV, Phoenix, Tucson and Flagstaff, AZ, and Boise, Pocatello,

Lewiston and Coeur d'Alene, ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rainer Plastics Corporation, 1101 Ledwich Ave., P.O. Box 9125, Yakima, WA 98902.

MC 140409 (Sub-6-5TA), filed March 12, 1982. Applicant: CIRCLE B TRANSPORTATION CORPORATION OR NORTH DAKOTA, P.O. Box 207, Wheat Ridge, CO 80034-0207. Representative: Robert W. Armstrong, (same as applicant). *General Commodities (except Household Goods as defined by the Commission, Class A and B Explosives, and Commodities in Bulk)* between points in the U.S. in and west of WI, IL, MO, AR and LA (except AK and HI), further restricted to traffic having prior or subsequent movement by Water or Rail and restricted to traffic with supporting shipper, for 270 days. Supporting shipper: Lykes Brothers Steamship Co., 300 Poydras St., New Orleans, LA 70130.

MC 97186 (Sub-6-1TA), filed March 10, 1982. Applicant: SOUTH PARK MOTOR LINES, INC., d.b.a. COLORADO ALL STATE TRANSPORTATION, 1960 31st St., Denver, CO 80216. Representative: Richard A. Eshe (same as applicant). *Class C liquid explosives*, from the facilities of E. I. Du Pont de Nemours at Louivers, CO to points in CA, for 270 days. Supporting shipper: E. I. Du Pont de Nemours & Co., Inc., Box 67, Louivers, CO 80131.

MC 160969 (Sub-6-1TA), filed March 10, 1982. Applicant: ERNIE CHUCHURU, d.b.a. C's ENTERPRISES, 63097 Spring Creek Blvd., Montrose, CO 81401. Representative: Nancy P. Bigbee, 745 E. 18th Ave. #101, Denver, CO 80203. *Contract carrier*, irregular route: *Steel tool boxes, steel jobsite construction boxes, and steel fuel tanks* from points in Craighead County, AR to points in Prowers, Weld, Mesa, and Boulder Counties, and the Denver commercial zone, CO; Bernalillo County, NM; and Salt Lake County, UT under a continuing contract with Delta Incorporated of Arkansas, Jonesboro, AR; for 270 days. An underlying ETA seeks 120 days. Supporting shipper: Delta Incorporated of Arkansas, 4800 Krueger, Jonesboro, AR 72401.

MC 145102 (Sub-6-16TA), filed March 10, 1982. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Such commodities as are dealt in or used by manufacturers and distributors of metal products and machinery* between Evansville, IN, Detroit, MI, Dallas, TX, and Chicago, IL,

and points within the Chicago, IL commercial zone, on the one hand, and on the other points in the U.S. for 270 days. Underlying ETA seeks 120 day authority. Supporting shipper: Foundry Metal Specialties, Inc., 555 Skokie Blvd., Northbrook, IL 60062.

MC 160975 (Sub-6-1TA), filed March 10, 1982. Applicant: KUHLMAN BROS., INC., W. 245 Park Lane, Post Falls, ID 83854. Representative: Ronald J. Kuhlman, E. 3520 16th, Post Falls, ID 83854. *Contract carrier, irregular routes, Treated and untreated poles and piling, from ports of entry on International Boundary line between the U.S. and Canada located in WA, ID, MT, and ND, to WA, ID, MT, ND, SD, NE, WY, CO, UT, AZ, NV, NM, OR, CA, under continuing contract for B.J. Carney Co. for 270 days. Supporting shipper: B.J. Carney & Co. Ltd., P.O. Box 408, Spokane, WA 99210.*

MC 160978 (Sub-6-1TA), filed March 11, 1982. Applicant: LEROY D. PARRIS, d.b.a. PARRIS TRUCKING, P.O. Box 632, 305 Grant, Walden, CO 80480. Representative: Leroy D. Parris (same as applicant). *Petroleum products, in bulk, in tank vehicles from Natrona County, Carbon County, and Laramie County in WY to points in CO, for 270 days. Supporting shippers: Corkle Oil Co., P.O. Box 278, Walden, CO 80480; Hughes Oil Co., P.O. Box 218, Walden, CO 80480.*

MC 160999 (Sub-6-1TA), filed March 12, 1982. Applicant: B. PURITZ OIL COMPANY, INC., d.b.a. PURITZ TANK LINES, P.O.B. 135, Chico, CA 95926. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier, irregular routes, petroleum and petroleum products from Butte County, CA, to Klamath Falls and Jackson Counties, OR, for the account of Golden Gate Petroleum Co., for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Golden Gate Petroleum Co., P.O.B. 8820, Emeryville, CA 94662.*

MC 160799 (Sub-6-1TA), filed March 12, 1982. Applicant: H. M. SMITH TRANSPORT LTD., P.O.B. 421, Elrose, Sask., CD S0L 0Z0. Representative: Jerome Anderson, 100 Transwestern I, Billings, MT 59101. *Dry fertilizer, between ports of entry on the International Boundary line between the U.S. and CD in MT, on the one hand,*

and, on the other, points in Hill, Cascade, Chouteau and Glacier Counties, MT, for 270 days. An underlying ETA seeks 120-day authority. Supporting shipper(s): Con Agra, Inc., P.O. Box 2548, Great Falls, MT 59403.

MC 150412 (Sub-6-3TA), filed March 12, 1982. Applicant: VERNON EQUIPMENT, INC., 725 Brea Canyon Rd., Suite 4, P.O.B. 701 Walnut, CA 91789. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Contract carrier, irregular routes, such merchandise as is dealt in by retail department stores, and, in connection therewith, such equipment, materials and supplies used in the conduct of such business, from EL Paso, TX to the Commercial Zones of Los Angeles and Ontario, CA, under continuing contract(s) with Britannia Sportswear, Division of Schoenfeld Industries, Inc., for 270 days. Supporting shipper: Britannia Sportswear, Div. of Schoenfeld Industries, Inc., P.O.B. C-24347, Seattle, WA 98124.*

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-7593 Filed 3-19-82; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-100)]

Rail Carriers; Boston and Maine Corp., Exemption for Contract Tariff ICC-BM-C-0014

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioners are granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr.

or
Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees, (BM) filed a petition on March 9, 1982 seeking an exemption

under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). Petitioners request that we permit contract tariff ICC-BM-C-0014 to become effective on one day's notice. The tariff was filed to become effective on April 9, 1982. The tariff provides for the track storage of paper and paper products in equipment carrying BM markings.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Due to the economic downturn, the BM has excess equipment, and the paper industry has excess production. The contract allows the shippers to store their shipments in boxcars until needed at destination. This eliminates the need for making a shipment to a storage warehouse and reshipping when the product is needed. It also permits utilization of idle boxcars. One shipper has developed a production problem and requires immediate storage. Advancement of the effective date would permit immediate use of the boxcars. We find this to be the type of exception circumstances which warrants a provisional exemption.

Petitioner's contract tariff ICC-BM-C-0014 may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49

U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: March 16, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-7594 Filed 3-19-82; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329A and 50-330A]

Consumers Power Co.; Receipt of Antitrust Information

The Consumers Power Company as owner of the Midland Plant, Units 1 and 2, has submitted antitrust information in connection with its plans to operate two pressurized water reactors located in Midland County, Michigan. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of **Federal Register** notice. The

results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the local public document room at the Grace Dow Memorial Library, 1710 W. St. Andrews Roads, Midland, Michigan 48640.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views of the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Nuclear Reactor Regulation, on or before April 5, 1982.

Dated at Bethesda, Md., this 25th day of January 1982.

For the Nuclear Regulatory Commission.

Calvin W. Moon,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-5410 Filed 3-19-82; 8:45 am]

BILLING CODE 7590-01-M

Systematic Assessment of Licensee Performance; Request for Public Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Publication of assessment process for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) conducts a program entitled Systematic Assessment of Licensee Performance (SALP). This program is an integrated NRC staff effort to collect available observations on an annual basis and assess the nuclear safety performance of each power reactor licensee (including construction permit holders) based on those observations. The assessment process is described below. This publication is intended to provide to the

public an opportunity to evaluate and comment concerning the assessment process.

DATE: Comments are due on or before July 1, 1982.

ADDRESSES: Send comments and suggestions to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Docketing and Service Branch. Copies of comments may be examined in the U.S. Nuclear Regulatory Commission Public Document Room, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James M. Taylor, Director, Division of Reactor Programs, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-492-9696).

SUPPLEMENTARY INFORMATION: In 1980 the NRC instituted a program entitled Systematic Assessment of Licensee Performance (SALP). The NRC staff initiated the process of collecting available observations and, based on those observations, evaluating the performance of power reactor licensees (including construction permit holders) with respect to nuclear safety. During the first annual cycle of this program, licensee performance was evaluated in two steps—first by a SALP Board in the appropriate NRC Regional Office and then by a SLAP Review Group at NRC Headquarters. The SALP Review Group published a single report summarizing its assessments for power reactors throughout the U.S. This report was issued in November 1981.¹

Subsequently, changes were made to the program. The principal changes include:

(1) Use of evaluations performed by the Regional Offices without review by a SALP Review Group at NRC Headquarters. This change is intended to improve the timeliness of issuing evaluation results.

(2) Establishment of new and improved evaluation criteria.

(3) Establishment of a process for taking licensee comments into account.

¹ NUREG-0834 Final Report, NRC Licensee Assessments, dated August 1981 but actually released in November 1981, available from GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (printed copy price \$4.00) and National Technical Information Service, Springfield, VA 22161.

The current program (which is contained in internal NRC procedures) is described below. Publication of the description is intended to provide to the public an opportunity to evaluate and comment on the SALP process.

A. Objectives

One objective of the SALP Program is to improve the NRC Regulatory Program, with emphasis on resource allocation. The other objective is to improve licensee performance. SALP is an integrated NRC staff effort to collect available observations on an annual basis and evaluate licensee performance based on those observations. Positive and negative attributes of licensee performance are considered. Emphasis is placed upon understanding the reasons for licensee's performance in important functional areas, and sharing this understanding with the licensee. The SALP process is oriented toward furthering NRC's understanding of the manner in which: (1) The licensee management directs, guides, and provides resources for assuring plant safety; and (2) such resources are used and applied. The integrated SALP assessment is intended to be sufficiently diagnostic to provide a rational basis for allocating NRC resources and to provide meaningful guidance to licensee management.

B. Procedures

The nuclear safety performance of power reactor licensees (including construction permit holders) is assessed annually. The individual facility assessments take place at an approximately uniform rate throughout the year.

The assessment process consists of three parts: (1) A SALP Board assessment; (2) a meeting with licensee management to discuss the assessment; and (3) issuance of the report.

(1) *SALP Board Assessment.* For a given facility, knowledgeable NRC staff members first gather data pertinent to the evaluation period (which is normally one year) and prepare draft evaluations for discussion at the SALP Board meeting. Written input is obtained from the Office of Nuclear Reactor Regulation (NRR) concerning licensing activities. If appropriate, input is also obtained from: (1) The Office of Nuclear Material Safety and Safeguards which may have input concerning licensing activities in the Security and Safeguards area, and (2) the Office of Analysis and Evaluation of Operational Data which may have input based on its work. Other information considered includes inspection data, enforcement history, and event and deficiency reports. The

emphasis throughout is upon the reasons for observed conditions rather than the number of items.

The SALP Board meets to review the performance analyses and supporting data and to develop the assessment report. This meeting is attended by senior regional management, the NRR Project Manager, resident inspectors and other individuals as determined by the Regional Administrator.

The SALP Board assesses licensee performance in each of a number of functional areas, and provides a report of its efforts to the licensee at least one week before meeting with the licensee. The licensee is requested to respond to any areas of weak performance, if appropriate, within 20 days after the meeting. The licensee is also given an opportunity to comment on the report during discussions at the meeting or in writing within 20 days after the meeting.

(2) *Meeting with Licensee.* The NRC staff conducts a meeting with licensee management personnel. The meeting is intended to provide a forum for candid discussion of issues relating to the licensee's performance. Those aspects of the licensee's operation that need improvement are identified.

(3) *Issuance of Report.* After the meeting and after considering the licensee's oral and written comments, the report is transmitted by letter to the licensee over the Regional Administrator's signature. The letter acknowledges the licensee's comments and amplifies as appropriate on these comments or other findings of the review board. Additionally, the letter includes a characterization of overall safety performance. This letter, enclosing the report and licensee comments, receives standard distribution including the Public Document Rooms.

C. Functional Areas

Licensee performance is evaluated in the following areas:

a. Operating Reactors

1. Plant operations
2. Radiological controls
 - Radiation protection
 - Radioactive waste management
 - Transportation
 - Effluent control and monitoring
3. Maintenance
4. Surveillance
 - includes inservice and preoperational testing
5. Fire protection
6. Emergency preparedness
7. Security and Safeguards
8. Refueling
 - includes initial fuel loading
9. Licensing activities

10. Others (as needed)

b. Construction Phase Reactors

1. Soils and foundation
2. Containment and other safety related structures
3. Piping systems and supports
 - includes welding, NDE and preservice inspection
4. Safety related components
 - includes vessel, internals, pumps
5. Support systems
 - includes HVAC, radwaste, fire protection
6. Electrical power supply and distribution
7. Instrumentation and control systems
8. Licensing activities
9. Others (as needed)

c. Preoperational Reactors

For reactors in the preoperational phase, functional areas from the listing for either Operating Reactors or Construction Phase reactors are selected as appropriate for evaluation.

D. Performance Categories

Performance in a functional area is characterized as being in one of the following categories:

a. *Category 1.* Reduced NRC attention may be appropriate. Licensee management attention and involvement are aggressive and oriented toward nuclear safety; licensee resources are ample and effectively used such that a high level of performance with respect to operational safety or construction is being achieved.

b. *Category 2.* NRC attention should be maintained at normal levels. Licensee management attention and involvement are evident and are concerned with nuclear safety; licensee resources are adequate and are reasonably effective such that satisfactory performance with respect to operational safety or construction is being achieved.

c. *Category 3.* Both NRC and licensee attention should be increased. Licensee management attention or involvement is acceptable and considers nuclear safety, but weaknesses are evident; licensee resources appear to be strained or not effectively used such that minimally satisfactory performance with respect to operational safety or construction is being achieved.

F. Evaluation Criteria

In characterizing the licensee's performance in a functional area as being in one of the Categories, performance is evaluated against the following criteria:

1. Management involvement in assuring quality
2. Approach to resolution of technical issues from safety standpoint
3. Responsiveness to NRC initiatives
4. Enforcement history
5. Reporting and analysis of reportable events
6. Staffing (including management)
7. Training effectiveness and qualification

G. Discussion

Each functional area evaluated is assigned a category. Not all functional areas need to be covered in a given review. When a functional area appropriate to a licensee is not covered, the reasons are given in the report. A functional area may have some items that would place it in Category 1, 2 or 3. The final rating for each functional area will be a composite tempered with judgment as to significance of individual items. Departures from this guidance may sometimes be warranted. In such cases, the rationale for the departures are explained in the report. Further guidelines for applying the evaluation criteria are given in (H) below.

H. Further Evaluation Guidelines

The assessment of licensee performance is implemented through the use of seven evaluation criteria. The criteria, which provide standard guidance, are applied to each functional area for the categorization of licensee performance as discussed in (G) above.

To provide a consistent evaluation of licensee performance, several attributes associated with each criterion are listed in Table 1 to describe the characteristics applicable to Category 1, 2 and 3 performance. These form the guidance which aids in understanding and evaluating licensee performance by identifying the causes and factors appropriate for categorization. It is not intended that consideration of these attributes influence established programs of the agency. For example, it is not intended that specific inspections be performed to evaluate attributes. It is expected that during the implementation of established programs many of the attributes which describe performance will be observed. Cognizance of these attributes should assist the staff in their observation of licensee performance during routine activities.

Not all of the attributes of the evaluation criteria are necessarily applicable. In some instances, the

observed performance within a functional area may be insufficient to allow consideration in the evaluation. Conversely, additional attributes may be appropriate for the evaluation.

Matters such as Quality Assurance and Training are elements of each functional area and are considered in the evaluation of the functional areas. On the other hand, when there is a problem with one of these elements that is observed in several functional areas, that element may be highlighted in a separate discussion. For example, if Quality Assurance is a problem in Operations, Radiological Control and Surveillance it is appropriate to discuss Quality Assurance as if it were a functional area, in addition to covering the specific problem in each functional area.

The listed attributes are intended only as guidelines for assessment of performance in the functional areas and, thus, are *indicators* of the licensee performance.

It is emphasized that all available information will be analyzed by the SALP, Board, and its significance, whether it be positive or negative, will be weighed. If information is scarce or non-existence, a decision as to performance as it relates to an attribute will not be forced.

TABLE 1.—EVALUATION CRITERIA WITH ATTRIBUTES FOR ASSESSMENT OF LICENSEE PERFORMANCE

Category 1	Category 2	Category 3
1. Management Involvement and Control in Assuring Quality		
Consistent evidence of prior planning and assignment of priorities; well stated, controlled and explicit procedures for control of activities.	Evidence of prior planning and assignment of priorities; stated, defined procedures for control of activities.	Little evidence of prior planning and assignment of priorities; poorly stated or ill understood procedures for control of activities.
Well stated, disseminated and understandable policies	Adequately stated and understood policies	Poorly stated, poorly understood or non-existent policies.
Decision making consistently at a level that ensures adequate management review.	Decision making usually at a level that ensures adequate management review.	Decision making seldom at a level that ensures adequate management review.
Corporate management frequently involved in site activities	Corporate management usually involved in site activities	Corporate management seldom involved in site activities.
Audits complete, timely and thorough	Audits generally complete, timely and thorough	Audits frequently not timely, incomplete, or not thorough.
Committees properly staffed and functioning in almost all cases.	Committees usually properly staffed and functioning	Committees not properly staffed and functioning.
Reviews timely, thorough and technically sound	Reviews generally timely, thorough and technically sound	Reviews not timely, thorough or technically sound.
Records complete, well maintained and available	Records generally complete, well maintained and available	Records not complete, not well maintained or unavailable.
Procedures and policies strictly adhered to	Procedures and policies rarely violated	Procedures and policies occasionally violated.
Corrective action systems promptly and consistently recognize and address non-reportable concerns.	Corrective action systems generally recognize and address non-reportable concerns.	Corrective action systems rarely recognize and address non-reportable concerns.
Procurement well controlled and documented	Procurement generally well controlled and documented	Repetitive breakdown in procurement control.
Design well controlled and verified	Rare breakdowns of minor significance in design control or verification.	Repetitive breakdown in design control or verification.
2. Approach to Resolution of Technical Issues From a Safety Standpoint		
Clear understanding of issues demonstrated	Understanding of issues generally apparent	Understanding of issues frequently lacking.
Conservatism routinely exhibited when potential for safety significance exists.	Conservatism generally exhibited	Meets minimum requirements.
Technically sound and thorough approaches in almost all cases.	Viable and generally sound and thorough approaches	Often viable approaches, but lacking in thoroughness or depth.
Time resolutions in almost all cases	Generally timely resolutions	Resolutions often delayed.
3. Responsiveness to NRC Initiatives		
Meets deadlines	Generally timely responses	Frequently requires extensions of time.
Timely resolution of issues	Few longstanding regulatory issues attributable to licensee	Longstanding regulatory issues attributable to licensee.
Technically sound and thorough responses in almost all cases	Viable and generally sound and thorough responses	Often viable responses, but lacking in thoroughness or depth.
Acceptable resolutions proposed initially in most cases	Acceptable resolutions generally proposed	Considerable NRC effort or repeated submittals needed to obtain acceptable resolutions.

TABLE 1.—EVALUATION CRITERIA WITH ATTRIBUTES FOR ASSESSMENT OF LICENSEE PERFORMANCE—Continued

Category 1	Category 2	Category 3
4. Enforcement History		
Major violations are rare and are not indicative of programmatic breakdown. Minor violations are not repetitive and not indicative of programmatic breakdown. Corrective action is prompt and effective.....	Major violations are rare and may indicate minor programmatic breakdown. Multiple minor violations or minor programmatic breakdown indicated. Corrective action is timely and effective in most cases.....	Multiple major violations or programmatic breakdown indicated breakdown. Minor violations are repetitive and indicative of programmatic breakdown. Corrective action is delayed or not effective.
5. Reporting and Analysis of Reportable Events		
Events promptly and completely reported.....	Events are reported in a timely manner, some information may be lacking. Events are accurately identified, some analyses are marginal.....	Event reporting is frequently late or incomplete. Events are poorly identified or analyses are marginal, events are associated with programmatic weaknesses. Corrective action is not timely nor effective, events are repetitive.
Events are properly identified and analyzed.....	Corrective action is usually taken but may not be effective as indicated by occasional repetition.	
Corrective action is effective as indicated by lack of repetition.....		
6. Staffing (Including Management)		
Positions are identified, authorities and responsibilities are well defined. Vacant key positions are filled on priority basis..... Staffing is ample as indicated by control over backlog and overtime.	Key positions are identified, and authorities and responsibilities are defined. Key positions usually filled in a reasonably time..... Staffing is adequate, occasional difficulties with backlog or overtime.	Positions are poorly identified, or authorities and responsibilities are ill-defined. Key positions are left vacant for extended periods of time. Staffing is weak or minimal as indicated by excessive backlog and overtime
7. Training and Qualification Effectiveness		
Training and qualification program makes a positive contribution, commensurate with procedures and staffing, to understanding of work and adherence to procedures with few personnel errors. Training program is well defined and implemented with dedicated resources and a means for feed back experience; program is applied to nearly all staff.	Training and qualification program contributes to an adequate understanding of work and fair adherence to procedures with a modest number of personnel errors. A defined program is implemented for a large portion of the staff.	Training and qualification program is found to be the major contributing factor to poor understanding of work, as indicated by numerous procedure violations or personnel errors. Program may be either lacking, poorly defined, or ineffectively applied for a significant segment of the staff.

Dated at Bethesda, this 15th day of March 1982, for the U.S Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 82-7558 Filed 3-19-82; 8:45 am]

BILLING CODE 7590-01-M

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Advisory Committee Establishments

The Nuclear Regulatory Commission hereby announces the formation of an Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals. The Commission has determined that establishment of this Committee is necessary and in the public interest in order to obtain independent advice and recommendations on various draft legislative and rulemaking proposals generated by the NRC staff relating to revising the domestic nuclear reactor licensing process.

In November, 1981, the Nuclear Regulatory Commission established a Regulatory Reform Task Force made up for senior NRC personnel to explore ways to overhaul the licensing process for nuclear power plants in the United States. The Task Force activity has now reached the point at which its proposals should receive non-NRC expert peer review.

The purpose of the Ad Hoc Committee

now being established is to make technical and legal assessments of the Task Force proposals and submit recommendations to the Commission with respect to them, including any revisions or additional proposals it considers desirable. The Commission expects to have the Committee's recommendations within the next 90-120 days as an aid to developing its own determinations by mid-1982 with regard to the long-range streamlining of the regulatory process.

The Ad Hoc Committee will consist of five or six members who will represent public interest groups, the electric power utilities and the States in order to bring expert advice on the technical and legal issues involved in power plant siting and Federal regulation of nuclear power facilities. The Committee will also have a liaison observer representing the Department of Energy.

The Committee presently plans to hold its first meeting during the week of April 5, 1982. For further information regarding this Committee, call Trip Rothschild (telephone 202/634-1465).

Dated at Washington, D.C., this 17th day of March 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-7639 Filed 3-19-82; 8:45 am]

BILLING CODE 7590-01-M

Availability; Draft Regulatory Guide

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, HF 608-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Training and

Certification of Independent Spent Fuel Storage Installation Operators" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to describe a method acceptable to the NRC staff for training and certifying the personnel who operate or supervise the operation of equipment and controls that are important to safety in an independent spent fuel storage installation.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft/value impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Attention: Docketing and Service Branch, by May 20, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Md., this 16th day of March 1982.

For the Nuclear Regulatory Commission,
Karl R. Goller,

Director, Division of Facility Operations,
Office of Nuclear Regulatory Research.

[FR Doc. 82-7640 Filed 3-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., Ohio Edison Co. and Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 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 the 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 revises reactor vessel nozzle-to-safe end weld inspection requirements and updates the ASME code reference for steam generator tube inspections.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 9, 1981, (2) Amendment No. 48 to License No. DPR-66 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 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, Md., this 16th day of March 1982.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 82-7637 Filed 3-19-82; 8:45 am]

BILLING CODE 7590-01-M

[Dockets No. 50-245 and 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendments to Provisional and Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 82 and 75 to Provisional Operating License No. DPR-21 and Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensees), which revised the licenses for operation of the Millstone Nuclear Power Station, Units No. 1 and 2 (the facility), located in Waterford, Connecticut. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training & Qualification Plan as part of the licenses.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

The licensee's filing dated March 31, 1981 as revised by pages dated May 28, 1981, is being withheld from public disclosure pursuant to 10 CFR 2.790(d).

The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 82 and 75 to Licenses Nos. DPR-21 and DPR-65 and (2) the Commission's related letter to the licensee dated March 10, 1982. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 10th day of March 1982.

For the Nuclear Regulatory Commission,
Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 82-7638 Filed 3-19-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

March 15, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from

whom a copy of the form and supporting documents is available).

The office of the agency issuing this form.

The title of the form.

The agency form number, if applicable.

How often the form must be filled out.

Who will be required or asked to report.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

Whether small businesses or organizations are affected.

A description of the Federal budget functional category that covers the information collection.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

An estimate of the cost to the Federal Government.

An estimate of the cost to the public.

The number of forms in the request for approval.

An indication of whether section 3504(h) of Pub. L. 96-511 applies.

The name and telephone number of the person or office responsible for OMB review, and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Food and Nutrition Service
Cash in Lieu of Commodities—
Recordkeeping
Annually
State or local governments/businesses
or other institutions
Sch. & instit. operating food serv. prog.
under sch., etc.
SIC: 911, 943
Small businesses or organizations
Food and nutrition assistance: 60,500
responses; 121,000 hours; \$0 Federal
cost; \$1,210,000 public cost; 1 form; not
applicable under 3504(h)
Federal Educational Data acquisition
Council, 202-426-5030

The regulations under 7 CFR Part 240 require State agencies, schools and institutions which receive cash payments in lieu of donated foods in accordance with the provisions of the National School Lunch Act to retain records on the receipt and disbursement of funds made available.

- Food and Nutrition Service
FSP-1980 Amendments to the Food
Stamp Act of 1977, Policy
Interpretations, and Miscellaneous
Technical Amendments
Reporting burden
Weekly
Individuals or households/State or local
governments
Private hseholds, State & local welf., Fed.
agency (INS)
SIC: 881, 911, 943
Food and nutrition assistance: 2,950
responses; 3,750 hours; \$10,968 Federal
cost; \$10,968 public cost; 1 form; not
applicable under 3504(h)
Nell Minow, 202-395-7340

Under Pub. L. 96-249 (1980 amendments to the Food Stamp Act of 1977), food stamp eligibility workers are required to report undocumented aliens to the Immigration and Naturalization Service (INS). This includes aliens

presenting expired or forged INS documents.

• Forest Service

Requests to National Forest Concessioners in Region 3 for Reconciled Fee-Base Financial Reports

R3-2700-20, R3-2700-21, FS-2700-19 Annually

Businesses of other institutions Concessioners on nat'l forests (resorts, ski areas, etc.)

SIC: 799, 581, 701, 446

Small businesses or organizations

Natural resources, and environment: 35 responses; 105 hours; \$6,038 Federal cost; \$1,575 public cost; 3 forms; not applicable under 3504(h)

Charles A. Eilett, 202-395-7340

To help respondents assemble annual data for permit fee calculation. A high incidence of reporting error has been experienced, because reported information was extracted from sources not under accounting control. Forms used in region 3 will cause respondents to reconcile to booked amounts. This is a normal, expected procedure that the concessioners have failed to follow in region 3.

• Agricultural Stabilization and Conservation Service

Application for Approval of Facilities for Shelling, Crushing or Other Services for CCC Collateral

CCC-1057

Weekly

Farms/Businesses or other institutions Peanut shellers, crushers & handlers who wish to enter, etc.

SIC: 013

Farm income stabilization: 48 responses; 8 hours; \$475 Federal cost; \$32 public cost; 1 form; not applicable under 3504(h)

Charles A. Eilett, 202-395-7340

Form CCC-1057 is used when CCC peanuts are shelled and stored in cold storage or crushed and the oil stored in tanks. It is standard information required of any contractor who wishes to perform services for the Government.

• Extension Service

Joint Committee on the Future of Cooperative Extension Univ. of Wisc. form Q10S

Nonrecurring

Individuals or households/State or local governments/farms/businesses or other institutions

Actual & potential extension clientele & interested others

SIC: 881, 911

Small businesses or organizations

Agricultural research and services: 5,000 responses; 1,667 hours; \$5,000 Federal cost; \$16,670 public cost; 1 form; not applicable under 3504(h)

Neill Minow, 202-395-7340

The data to be collected are essential to the work of the Joint Committee on the Future of Cooperative Extension ("Extension in the 1980's") and will assist decisions by the Secretary of Agriculture, the Congress, and the cooperative extension system concerning the mission, issues, and criteria for extension during the next 10 years.

Revisions

• Farmers Home Administration Servicing of Community Program Loans and Grants, 7 CFR Part 1861-FMHA 451-33

On occasion

State or local governments/businesses or other institutions, non-profit organ. & public bodies (local government)

SIC: Multiple

Small businesses or organizations

Area and regional development: 250 responses; 350 hours; \$75,200 Federal cost; \$4,200 public cost; 1 form; not applicable under 3504(h)

Neil Minow, 202-395-7340

Information required for administrative provisions and security servicing policies necessary for servicing loans and grants.

• Food and Nutrition Service

Cash in Lieu of Commodities—Reporting Annually

State or local governments

Some 245 commodity schools and 24 State education agencies

SIC: 911, 943

Public assistance and other income supplements: 273 responses; 546 hours; \$3,024 Federal cost; \$5,460 public cost; 1 form; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

Part 240 is revised to include provisions of sec. 813, Pub. L. 97-25, for payment of up to 5 cents per meal of the value of donated-food entitlement of commodity schools in cash, to be used for processing and handling expenses related to the use of foods.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

• International Trade Administration Recordkeeping Requirements Contained in Export Administration Regulations (EARS) 15 CFR Part 368 through 399

Other—See SF 83

Businesses or other institutions

Commercial exporters

SIC: Multiple

Other advancement and regulation of commerce: 905,256 responses; 241,830 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This recordkeeping is required in order to prevent violations under the Export Administration Act of 1979. Pub. L. 96-72, 96th Congress, September 29, 1979.

• International Trade Administration Antidumping Questionnaire ITA-357P

On occasion

Businesses or other institutions

Members of union/trade assoc. in the U.S.A.

SIC: Multiple

Small businesses or organizations

Other advancement and regulation of commerce: 10 responses; 260 hours; \$32,000 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This questionnaire is needed because most potential petitioners do not know what information is needed in order to institute an investigation. The information obtained is used to determine whether there is probable cause that a foreign company is dumping merchandise in the United States and whether the domestic U.S. industry is being injured by that dumping.

• International Trade Administration Small Business Export Development Assistance Program

SF-424

Nonrecurring

State or local governments/businesses or other institutions

Entities having the capacity to assist small businesses

SIC: Multiple

Small businesses or organizations

Other advancement and regulation of commerce: 200 responses; 10,000 hours; \$200,000 Federal cost; 1 form; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The information to be collected is needed in order to determine which proposals should be funded. The information will be used by the program staff and its advisors to evaluate and rank the applications. Matching grants of UPT to \$150,000 will be awarded to local entities which in turn will provide export assistance to small businesses desiring to pursue export sales.

Revisions

• International Trade Administration Domestic Trade Show Contact and Evaluation Forms

ITA-4014P, ITA-4015P

On occasion

Businesses or other institutions

U.S. exhibitors in foreign buyer program

SIC: All

Small businesses or organizations

Other advancement and regulation of

commerce: 3,000 responses; 750 hours;

\$1,000 Federal cost; 2 forms; not

applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

ITA 4015P is used to determine and to evaluate the results of USG efforts to increase foreign business attendance at events promoted under the foreign buyer program. It serves as a data collection tool for use in the agency's MEO system.

Extensions (Burden Change)

- National Oceanic and Atmospheric Administration

Fishing Vessel and Gear Damage

Compensation Fund

NOAA 88-178

On occasion

Businesses or other institutions

Owners/operators of U.S. fishing

vessels

SIC: 091

Small businesses or organizations

Other advancement and regulation of

commerce: 400 responses; 10,000

hours; \$210,000 Federal cost; 1 form;

\$70,000 public cost; not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

The fishing vessel and gear damage compensation fund compensates U.S. fishing vessel owners and operators for eligible claims for fishing vessel and gear casualties, and resulting economic loss, attributable to the activities of other vessels.

Extensions (No Change)

- International Trade Administration Request for and Notice of Amendment Action

ITA-685P

On occasion

Businesses or other institutions

Commercial exporters

SIC: Multiple

Other advancement and regulation of

commerce: 2,500 responses; 625 hours;

\$140,000 Federal cost; 1 form; not

applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

This form ITA-685P is used by exporters whenever it is necessary to change the facts on an export license due to changes that have taken place in the original transaction, provided that the change is not of such significant as to constitute a new transaction.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

New

- Department of the Air Force Department of Defense Medical Examination Review Board (DODMERB) Questionnaire

3462

On occasion

Individuals or households

Applicants to a service academy/ROTC program

Income security for veterans: 2,400 responses; 600 hours; \$2,300 Federal cost; 1 form; \$2,190 public cost; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030.

The Department of Defense Medical Examination Review Board (DODMERB) questionnaire is needed by this board to determine if this board and examining facilities were clean and personnel helpful, efficient, professional and responsive to the needs of the applicant during the physical examination process. This information will be used by the board to better schedule applicants for physicals and provide feedback to commanders of examining facilities.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

- Federal Energy Regulatory Commission Fuel Purchase Practices FERC-565 Biennially Businesses or other institutions Jurisdictional electric utility companies

SIC: 491

Energy information, policy, and regulation: 150 responses; 15,000 hours; \$122,800 Federal cost; 1 form; not applicable under 3504(h)

Anita T. Ducca, 202-395-7340

This information is needed to comply with the requirements of section 208 of Pub. L. 95-617 (Public Utility Regulatory Policies Act of 1978) for a review "not less frequently than every two years" of "practices * * * to insure efficient use of resources". The information will be used to review generic practices, and practices of individual utilities.

Extensions (Burden Change)

- Federal Energy Regulatory Commission Gas Pipeline Certificates—Curtailment Plan, FERC-541

FERC-541

Other—See SF83

Businesses or other institutions

Natural gas pipeline companies

SIC: 492

Energy information, policy, and

regulation: 163 responses; 234,720

hours; \$662,725 Federal cost; 1 form;

not applicable under 3504(h)

Anita T. Ducca, 202-395-7340

The filings are required by section 4(d) of the Natural Gas Act for changes in service occasioned by a pipeline companies inability to meet its existing certificate or contract obligation. Also to meet the requirements of title IV of the NGPA.

Reinstatements

- Federal Energy Regulatory Commission Gas Producer Rate: Rate Filing FERC-532

Other—See SF83

Businesses of other institutions

Producers of natural gas

SIC: 131

Energy information, policy, and

regulation: 3,600 responses; 28,800

hours; \$522,000 Federal cost; 1 form;

not applicable under 3504(h)

Anita T. Ducca, 202-395-7340

Information collection is mandatory to determine rates and charges received by large producers of natural gas dedicated to interstate commerce before November 9, 1978. (Form FERC-532). Also required is an initial rate schedule when issuance of a certificate is requested (Form FERC-531), and a notice of cancellation of rate schedule when abandonment authorization is requested (Form FERC-530).

- Federal Energy Regulatory Commission Alternative Fuel Demand due to Natural Gas Curtailment

FERC-50

Annually

Businesses of other institutions

Natural gas pipelines distributors—suppliers

SIC: 492

Energy information, policy, and

regulation: 1,452 responses; 60,984

hours; \$269,920 Federal cost; 1 form;

not applicable under 3504(h)

Anita T. Ducca, 202-395-7340

From FERC-50 collects data that will assist FERC to meet its responsibility for equitable distribution of natural gas among regions and users, and that will provide early indicators of those geographic areas most susceptible to changes in gas deficiencies and alternate fuel needs, thus facilitating appropriate contingency planning and/

or action at all levels of Government where potentially serious conditions may exist.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- Social Security Administration Waiver of Right to Oral Hearing HA-4608 (10-81)
On occasion
Individuals or households
Claimants requesting hearings on SSA benefit issues
General retirement and disability insurance: 100,000 responses; 3,333 hours; \$6,120 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

The information collected in completing this form is needed and used to afford claimants their statutory right to a hearing and decision under the Social Security Act.

- Social Security Administration Survey of Refugees Concerning the Outcomes of English Language Training
Nonrecurring
Individuals or households
Southeast Asian refugee households in four SMSA's
Other income security: 400 responses; 200 hours; \$9,738 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The objective of the information collection is to obtain data on English language proficiency and employment status outcomes both for those who participate and for those who do not participate in English language training programs. The information will be used to determine the effectiveness of English language training programs.

Revisions.

- Social Security Administration Request To Be Selected as Payee SSA-11-BK
On occasion
Individuals or households
Applicants to be sel. as payee for incapable title II, etc.
General retirement and disability insurance: 605,000 responses; 80,666 hours; \$275,500 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger 202-395-6880

This form will be required in initial and postentitlement selection of payees. It will be completed by an applicant who wishes to serve as representative

payee for either title II, title XVI or black lung beneficiaries. This form will also elicit information about the applicant's relationship to the beneficiary, his personal qualifications and the extent of his concern of the beneficiary's well being.

Reinstatements

- Food and Drug Administration Radiation Experience Data Study Semiannually
Businesses or other institutions
Sample of 75 general medical/surgical-short-stay hospitals
SIC: 999
Small businesses or organizations
Consumer and occupational health and safety: 150 responses; 150 hours; \$17,500 Federal cost; 1 form; not applicable under 3504(h)
Fay S. Iudicello, 202-395-3090

In order to plan, design, implement and evaluate action programs to optimize the use of medical radiation the Bureau of Radiological Health needs data on the numbers and types of diagnostic X-ray, nuclear medicine, and ultrasound procedures performed in the U.S. This study will provide the necessary data on an ongoing basis.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

New

- Housing Programs
Manager's Summary Accounting Report
Broker's Report of Collections
Broker's Report of Disbursement
FHA 2700, FHA 2700A, FHA 2700B
Monthly
Individuals or households/businesses or other institutions
Renters and management broker
SIC: 653
Small Businesses or organizations
Mortgage credit and thrift insurance: 8,400 responses; 18,000 hours; \$4,677 Federal cost; 3 forms; \$144,000 public cost; not applicable under 3504(h)
Robert Neal, 202-395-6880

See item (1) of supporting statement.

Extensions (Burden Change)

- Housing Programs
Section 8, Existing Housing Allowances for Tenant Furnished Utilities and Others Services
HUD-52667
Annually
State or local governments
Public housing agencies (PHAS)
SIC: 953
Public assistance and other income supplements; 2,000 responses; 16,000

hours; \$563,930 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880
PHA's must complete form HUD-52667 to establish allowances for tenant furnished utilities. Families looking for units receive a copy so they know the utility allowance appropriate to the bedroom size unit listed on their certificate. PHA's use the form to record the actual allowance for each family when utilities and other services are not provided by housing owner.

- Housing Programs
Request for Approval of Advances Under Preliminary Loan Contracts
HUD 51991
On occasion
State or local governments
Indian hsing auth. (IHA's) with extended prlim. loan, etc.
SIC: 953
Mortgage credit and thrift insurance: 173 responses; 519 hours; \$11,637 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Authority for this report is title II of the Housing and Community Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633). Submitted by public housing agency to obtain approval of advances under a preliminary loan contract. Needed by HUD to control allocated funds and determine advances required and amount to approve.

- Housing Programs.
Application for Coinsurance Benefits
HUD 4035.1, 4035.2, 4035.3
On occasion
Businesses or other institutions
Mortgage lending institutions
SIC: 616
Mortgage credit and-thrift insurance: 40 responses; 60 hours; \$125 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Necessary for filing claim for coinsurance benefits. Data also used to update Department's insurance in-force records and to make appropriate adjustments to coinsurance reserve accounts.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

New

- Bureau of Land Management
Statement of Federal Land Payments
Adjusted Statement of Federal Land Payments (43 CFR Part 1881)
Annually
State or local governments

State governors' offices and State finance offices

SIC: 911

Other general purpose fiscal assistance: 50 responses; 1,000 hours; \$10,000 Federal cost; \$30,000 public cost; 2 forms; not applicable under 3504(h)
William T. Adams, 202-395-4814

The information requested is statutorily required to compute payments due units of local government under the Payments in Lieu of Taxes Act (31 U.S.C. 1601-1607). The act requires that the Governor of each State furnish a statement as to the amounts paid to units of local government under 11 receipt sharing statutes in the prior fiscal year. OFDA Number 15.216.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

- Legal Activities.

Oil and Gas Leasing—National Petroleum Reserve—Alaska (43 CFR Part 3130)
On occasion
Businesses or other institutions
Oil and gas companies and their affiliates
SIC: 131, 132, 138
Federal litigative and judicial activities: 20 responses; 160 hours; \$3,486 Federal cost; \$1,600 public cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202-395-4814

The reporting requirements are for the attorney general's use in making an antitrust review.

Revisions

- Legal Activities

Claim for Damage, Injury, or Death SF-95
On occasion
Individuals or households
Persons with grievances against the United States Gov't
Federal litigative and judicial activities: 400,000 responses; 100,000 hours; \$7,005,000 Federal cost; \$1,000,000 public cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202-395-4814

The provisions of 2401 of 28 U.S.C. require that a claim be presented to and appropriate Federal agency within two years from the date that claim accrued, prior to filing suit under the Federal Tort Claims Act. 28 CFR 14.2 prescribes SF 95 as a means of compliance with the provisions of 2401 and 28 U.S.C. 2672. Also pursuant to 28 U.S.C. 2672, the provisions of 28 CFR part 14 are applicable to all agencies.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

- Employment and Training Administration

Continuous Longitudinal Manpower Survey
LMS-1C, 2, 3, 4, 5B, 9L, 102, 109L, 202 209L, and 302
Other—see SF83
Individuals or households/State or local governments
CETA prime sponsor ofs. (CLMS-20), part. in CETA prog., etc.
SIC: 944
Training and employment: 69,300 responses; 41,345 hours; \$6,592,000 Federal cost; 11 forms; not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

The CLMS-20 Induction questionnaire, information will be used to ensure that a complete and accurate sample is obtained of Comprehensive Employment and Training Act participants.

Reinstatements

- Pension Benefit Guaranty Corporation

Notice of Intent To Terminate Nonrecurring
Businesses or other institutions
Pension plan maintained by a single employer
SIC: multiple
Small businesses or organizations
General retirement and disability insurance: 4,700 responses; 4,700 hours; \$12,058 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

Under 4041 of ERISA, a plan must file a notice with the PBGC when it wishes to terminate the plan. Under PBGC regulation 29 CFR Part 2616, notice of intent to terminate, 26 kinds of information are required to enable PBGC to process the plan termination.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

Extensions (Burden Change)

- Federal Highway Administration

Bid Price Data
PR-45
On occasion
State or local governments
State and local highway agencies
SIC: 962
Ground transportation: 510 responses; \$45,000 Federal cost; 510 hours; 1 form; not applicable under 3504 (b)
Donald Arbuckle, 202-395-7340

Information is needed to monitor changes in purchasing power of Federal aid construction dollar. "index" calculated from this information is used nationwide as indicator of highway construction price trends, used to adjust interstate withdrawal entitlements (23 U.S.C. 103(e) (4)). (Attachment C.)

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

- Bureau of Alcohol, Tobacco and Firearms

Transaction Record for Black Powder to be Used in Antique Weapons
ATF F 5400.3
On occasion
Individuals or households/businesses or other institutions dealers in low explosives and purchasers of black powder
SIC: 594
Small businesses or organizations
Federal law enforcement activities: 600,000 responses; \$4,620 Federal cost; 20,000 hours; 1 form; not applicable under 3504(b)
Karen P. Sagett, 202-395-6880.

This form is completed by a person purchasing black powder and the dealer making the sale. The dealer retains the form as part of his records. The form is used to obtain compliance with the law on use of explosives. It may also be used for law enforcement to identify purchasers when investigating unlawful use of such explosives (e.g. bombings).

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202-382-2742

New

- Proposed regulations including an application questionnaire for modification of Secondary Treatment Requirements

FRL 2034-2B
0971
Annually
State or local governments
Publicly owned sewage treatment works seeking 301(h) var.
SIC: All
Pollution control and abatement: 845 responses; \$4,170,000 Federal cost; 672,000 hours; 2 forms; NPRM under 3504(h)
Edward H. Clarke, 202-395-7340.

The proposed regulations assure that municipal marine dischargers understand clearly the technical/environmental requirements for obtaining variances from secondary

treatment requirements. The application questionnaires help to assure adequate data and analyses for demonstration that proposed treatment plant discharges comply with seven statutory criteria for the requested variances.

- Financial Responsibility Requirements for Hazardous Waste Management Facilities (0947)

0947

On occasion, annually
State or local governments/businesses or other institutions
Owners and operators of establish. in treat. of has wastes

SIC: Multiple

Small businesses or organizations
Pollution control and abatement: 13,507 responses; \$535,450 Federal cost; 27,941 hours; 1 form; not applicable under 3504(h)

Robert Shelton, 202-395-7340.

Owners and operators of hazardous waste management facilities are required to provide financial assurance for the closure and post-closure care of these facilities. Regulations are required under authority of the resource conservation and Recovery Act.

- Information Request Concerning Oil and Hazardous Substances Spills Under Section 308(a) of the Clean Water Act (0823)

0823

On occasion
Individuals or households/state or local governments/businesses of other institutions

Individuals responsible for discharge of oil or haz. subst.

SIC: Multiple

Pollution control and abatement: 1,200 responses; \$66,535 Federal cost; 9,600 hours; 1 form; not applicable under 3504(h)

Robert Shelton; 202-395-7340.

There is a need to gather information about oil or hazardous substance spill events that was not provided in the initial notification. Information is evaluated and a determination made whether to refer case to U.S. Coast Guard for penalty assessment.

- Permittees must keep records of application data for three years (094)

094

Nonrecurring

Business or other institutions
All NPDES permit applicants—industr. & municpl. dischgrs.

SIC: Multiple

Small businesses or organizations
Pollution control and abatement; 64,000 responses; 94,408 hours; \$0 Federal cost; 1 form; not applicable under 3504(h)

Robert Shelton, 202-395-7340

This recordkeeping is required to support and document any EPA enforcement actions for submission of false information on the permit application, for which there are severe penalties. EPA must have correct information on the application in order to write and enforce the appropriate permit conditions.

- Spill Prevention Control and Countermeasure Plan and Review (328)

328

Nonrecurring

Individuals or households/State or local governments/businesses or other institutions

Owners & Oprs. of onshore & offshore facilis dischge. oil

SIC: 131, 291, 446

Small businesses or organizations
Pollution control and abatement; 44,678 responses; 98,506 hour; \$0 Federal cost; 3 forms; not applicable under 3504 (h)

Robert Shelton, 202-395-7340

Facilities which store 1,300 gallons of oil above ground, 660 gallons above ground in a single tank or 42,000 gallons underground are subject to 40 CFR Part 112. Only those subject facilities which experience either 1 spill of oil in excess of 1,000 gallons or spills of any size to navigable waters must report as above by sending in their SPCC plan to EPA for review. New plants must develop plans and all plants must review plans every three years.

- Baseline Monitoring Report (0822)

0822

Nonrecurring

Businesses or other institutions
Indust. users of POTWS subject to categ. pretreatment stds.

SIC: Multiple

Small businesses or organizations
Pollution control and abatement; 7,500 responses; 202,500 hours; \$333,000 Federal cost; 1 form; not applicable under 3504(h)

Robert Shelton, 202-395-7340

The report is needed to identify important categorical industrial users of POTWS, their wastewater flow, the nature of and amount of pollutants discharged, and the schedule of compliance with categorical standards.

Reinstatements

- Compliance Schedule Reports (0301)

Other—see SF83

State or local governments/businesses or other institutions
NPDES permittees with sched. events betw. 12/81 & 12/83

SIC: Multiple

Small businesses or organizations

Pollution control and abatement; 27,660 responses; 20,745 hours; \$29,386 Federal cost; 1 form, not applicable under 3504(h)

Robert Shelton, 202-395-7340

In order that the permitting authority may properly ascertain that the owner/operator is carrying out the requirements of his permit, he/she is required to make progress reports on schedules, plans or other activities as required by the individual permit.

- Quarterly Noncompliance Report (283)

283

Quarterly

State or local governments
States with NPDES programs

SIC: Multiple

Pollution control and abatement; 165 responses; 8,400 hours; \$55,446 Federal costs; 1 form; not applicable under 3504(h)

Robert Shelton, 202-395-7340

The QNCR includes a brief narrative on significant instances of noncompliance by major NPDES permittees and statistical data on majors quarterly and minors annually. Provides needed information to the interested public and a report on the effectiveness of State compliance programs. The report is also used by the States as a management tool.

- Report by publicly owned treatment works of new or increased Pollutant introduction (0126)

0126

Other—see SF83

State or local governments
Municipalities—local governments, treatment works

SIC: 495

Pollution control and abatement; 500 responses; 3,000 hours; \$1,700 Federal cost; 1 form; not applicable under 3504(h)

Robert Shelton, 202-395-7340

Publicly owned treatment works (POTWS) must report to the permit issuing agency any new or substantially changed introduction of pollutants into the POTW. This information will enable the agency to take action to avert the possibility of a permit violation by a POTW.

- Reporting of discharge of toxic pollutant exceeding specified levels (0125)

0125

Other—see SF83

State or local governments/businesses or other institutions

Existing mfg., commrc., mining, & silvicult. NPDES dischgs.

SIC: Multiple

Small businesses or organizations

Pollution control and abatement; 660 responses; 2,640 hours; \$5,600 Federal cost; 1 form; not applicable under 3504(h)

Robert Shelton, 202-395-7340

Existing manufacturing, commercial, mining, and silvicultural dischargers must report the discharge of any toxic pollutant not limited in their permit which exceeds specified levels. These dischargers must report the use of manufacture of any toxic pollutant not reported in the permit application. This information is used by the permitting authority to decide if permit modification is needed.

• NPDES—Application to discharge wastewater short forms

(0178)

7550-6, 8, 9, 0178

Nonrecurring

State or local governments/businesses or other institutions

Small new srce. indust. & sml. municpl. point source dschrs.

SIC: Multiple

Small businesses or organizations

Pollution control and abatement; 2,944 responses; 2,944 hours; \$1,877 Federal cost; 3 forms; not applicable under 3504(h)

Robert Shelton, 202-395-7340

The short form application form is used by small new industrial facilities and small POTW's to apply for an NPDES permit. Applicant must provide information to identify and describe the nature of their facility and wastestreams. This information is used by permit writers in order to develop permit conditions appropriate for each specific facility.

• NPDES Application To Discharge Wastewater

STD. Forms A & C (0188)

7550-22, 7550-23, 0188

Nonrecurring

Businesses or other institutions/State or local governments

Large new indust. facils. & large municipal sources

SIC: Multiple

Small businesses or organizations

Pollution control and abatement; 914

responses; 13,710 hours; \$26,614

Federal cost; 2 forms; not applicable under 3504(h)

Robert Shelton, 202-395-7340

- This application form is used by large new industrial facilities and large municipal sources. Applicants must provide information to identify and analyze the pollutant loadings of the effluent streams. This information is used by permit writers in order to develop permit conditions appropriate for each specific facility.

• Reporting of Unanticipated Bypass, Upset, and/or Violation of maximum Daily Discharge NPDES Permit Limitations (0124)

0124

On occasion

State or local governments/farms/

businesses or other institutions

NPDES permitted facilities—indust. and municpl. dischargers

SIC: Multiple

Small businesses or organizations

Pollution control and abatement; 9,170

Responses; \$111,300 Federal cost;

46,680 hours; 1 form; not applicable under 3504(b)

Robert Shelton, 202-395-7340

The permittee must report (oral and written) an unanticipated bypass, upset or a violation of a maximum daily discharge limitation for any of the Pollutants listed in the permit to be reported within 24 hours. This information will be reported to the NPDES permitting authority and will be used to mitigate danger, evaluate the situation and may be used in enforcement.

• Recordkeeping of Monitoring Data (093)

093

Monthly

State or local governments/businesses or other institutions

Businesses, State and local governments, institutions

SIC: Multiple

Small businesses or organizations

Pollution control and abatement; 769,368

responses; \$42,827 Federal cost;

538,558 hours; 1 form; not applicable under 3504(b)

Robert Shelton, 202-395-7340

The clean water Act requires national pollutant discharge system (NPDES) permittees to retain records of all monitoring information and copies of all reports required by the NPDES permit application for a period of 3 years. This monitoring information data is used by EPA and/or State permitting authorities as an information source in NPDES permit enforcement.

• Reporting of Planned Changes to Permitted Facility (NPDES) (092)

No. of forms

092

On occasion

Individuals or households/State of local governments/farms/businesses or other institutions

NPDES permitted facilities—Indust. and municipal dischargers

SIC: All

Small businesses or organizations

Pollution control and abatement; 7,600

responses; \$31,900 Federal cost; 30,400

hours; 1 form; not applicable under 3504(b)

Robert Shelton, 202-395-7340

The permittee must report planned alterations and changes to the permitted facility to the NPDES permitting authority. This information will be used by the permitting authority to determine if the physical changes necessitate a permit modification which would allow the permittee to avoid noncompliance.

Information to Determine if a Facility is a New Source (052)

052

Nonrecurring

State or local governments/businesses or other institutions indust. and commcl. facils. planning to discharge as new sracs.

SIC: All

Small businesses or organizations

Pollution control and abatement; 500

responses; \$3,500 Federal cost; 250

hours; 1 form; not applicable under

3504(b)

Robert Shelton, 202-395-7340

When a permit applicant provides this information to the Regional Administrator it will enable EPA to decide if a facility is a new source and if it is subject to an environmental review under NEPA and different effluent requirements under CWA.

• Reporting of Anticipated Noncompliance and/or other Noncompliance (NPDES) and Anticipated Bypass (034)

On occasion

Individuals or households/State of local governments/farms/businesses or other institutions

NPDES permitted facils—indust. and municipal dischargers

SIC: All

Small businesses or organizations

Pollution control and abatement; 7,840

responses; \$65,600 Federal costs;

39,200 hours; 1 form; not applicable

under 3504(b)

under 3504(b)

Robert Shelton, 202-395-7340

A permittee must provide advance notice of anticipated noncompliance due to planned changes to the NPDES permitting authority. The permittee must report other noncompliance not reported elsewhere to the NPDES permitting authority. These 2 requirements provide info. that could result in permit modification, mitigation of problems on an enforcement action. A permittee must report an anticipated bypass bef. it occurs to allow the perm. author. to take preventive action where appropriate.

- Permittee may Request Modification, Revocation, and Reissuance or Termination of the Permit (029)

029

Nonrecurring

Businesses or other institutions

NPDES permittees—indust. and municipal dischargers

SIC: Multiple

Small businesses or organizations

Pollution control and abatement; 1,500 responses; \$16,633 Federal cost; 6,000 hours; 1 form; not applicable under 3504(h)

Robert Shelton, 202-395-7340

Permittee may report any changed circumstances which would justify altering the permit conditions to his benefit.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202-634-6983

New

- Apprenticeship Information Report EEO-2

272 445

Annually

State or local governments/businesses or other institutions

Joint labor-mgmt. apprenticeship committees

SIC: Multiple

Federal law enforcement activities: 3,900 responses; \$75,300 Federal cost; 5,850 hours; 2 forms; not applicable under 3504(h)

Laverne V. Collins, 202-395-6880

Data are used to investigate charges of employment discrimination against apprenticeship programs, employers and unions and in EEOC systemic program decisions. Under section 709(D), data are shared with 38 State and 102 local FEPC agencies. Data are provided to other Federal agencies. Aggregate data are used by researchers and public interest groups.

- Apprenticeship Information Report EEO-2E

273 445

Annually

Businesses or other institutions

Employer-operated apprentice pgm. W/5 or more appr. train.

SIC: Multiple

Federal law enforcement activities: 3,600 responses; \$74,800 Federal cost; 5,400 hours; 2 forms; not applicable under 3504(h)

Laverne V. Collins, 202-395-6880

Data are used to investigate charges of employment discrimination against apprenticeship programs and employers and in EEOC systemic program

decisions. Under section 709(D), data are shared with 38 State and 102 local FEPC agencies. Data are provided to other Federal agencies. Aggregate data are used by researchers and public interest groups.

Reinstatements

- Recordkeeping Requirements on Guidelines on Employee Selection Procedures, 39 CFR 1607

On occasion

State or local governments/farms/businesses or other institutions any employer, labor orgn., empl. agency or licensing certif.

SIC: Multiple

Small businesses or organizations

Federal law enforcement activities: 666,000 responses; \$99,954 Federal cost; 1,910,000 hours; 1 form; not applicable under 3504(h)

Laverne V. Collins, 202-395-6880

Section 709(C) of the Civil Rights Act of 1964, as amended. The data assists EEOC in its enforcement function to determine whether unlawful employment practices have been or are being committed.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

Revisions

- Annual Report of Licensee in Domestic Public Land

Mobile radio service

FCC form L

Annually

Businesses or other institutions

Licensees providing public mobile radio services

SIC: 481, 489

Small businesses or organizations

Other advancement and regulation of commerce: 1,300 responses; \$9,790 Federal cost; 15,600 hours; 1 form; NPRM under 3504(h)

Edward H. Clarke, 202-395-7340

The information is useful for planning and policy analyses. The data provides a picture of the structure and economic status of the industry. The service data will assist the staff in its enforcement function and is extremely useful in frequency allocation proceedings.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202-633-0204

New

- Motor Carrier Automobile Bodily Injury Liability and Property Damage Liability Certificate of Excess Insurance

B.M.C. 91X

On occasion

Business or other institutions

Motor carriers of property operating under auth. by I.C.C.

SIC: 421, 413

Ground transportation: 5,000 responses;

1,250 hours; \$6,900 Federal cost; 1

form; not applicable under 3504(h)

Donald Arbuckle, 202-395-7340

The final rules require every I.C.C. regulated property carrier intending to haul hazardous commodities to file the certificate of excess insurance to ensure compliance with the higher liability limits mandated by Congress to protect the public under 49 U.S.C. 10927 and the Motor Carrier Act of 1980.

NATIONAL FOUNDATION ON THE HUMANITIES

Agency Clearance Officer—Victor Loughnan—202-724-0308

New

- Survey of Interpretive Exhibits Which Received National Endowment for the Humanities Implementation Support

Nonrecurring

Business or other institutions

Museums, hist. societies, non-profit orgns., bonanical gdns.

SIC: 999

Research and general education aids:

300 responses; 950 hours; \$55,000

Federal cost; 1 form; not applicable under 3504(h)

Gwendolyn Pla, 202-395-6880

The survey is needed to gather information for a publication on exhibits which have received national Endowment for the Humanities implementation support. It will be used to supplement information in the Endowment's files of grant applications for the sole (and one-time) purpose of inclusion in this publication.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

Revisions

- 10 CFR Part 50 Amendment (50.54W)

Annually

Businesses or other institutions

NRC licensees

SIC: 483

Energy Information, Policy, and

Regulation: 70 responses; 280 hours;

\$1,360 Federal cost; 1 form; not

applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

NRC is amending 10 CFR 50 to require licensees to submit annual proof that they carry maximum amount of insurance from private sources.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Agency Clearance Officer—Robert D. Linder—202-395-4692

New

• Industry Questionnaire on Aeronautics Research and Technology Nonrecurring Businesses or other institutions U.S. Aeronautics Industry and Professional Associations
SIC: 372

Executive direction and management: 30 responses; 4,800 hours; \$25 Federal cost; 1 form; not applicable under 3504(h)

Edward C. Springer, 202-395-4814

The Office of Science and Technology Policy is conducting a thorough review of U.S. Aeronautics R&T Policy. The information requested from the aeronautics industry is essential in establishing the present scope and content of U.S. Aeronautics R&T, R&T requirements and resource needs, determining the potential impact of technologies, and formulating and analyzing policy alternatives.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

• Interview Section of the Broker-Dealer Examination Checklist On Occasion Business or other institutions Securities brokers and dealers
SIC: 621

Other advancement and regulation of commerce: 918 responses; 2,295 hours; \$78,630 Federal cost; \$68,850 public cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

The interview section of the commission's broker-dealer examination checklist contains informational questions to be asked of certain employees of securities brokers and dealers by Commission examiners during an examination.

Revisions

• Securities Act of 1933, Registration form S-18

SEC 1766

On occasion

Business or other institutions

Any business not filing rpts. w/sec wanting to sell secur.

SIC: multiple

Small businesses or organizations

Other advancement and regulation of commerce: 336 responses; 436,800 hours; \$490,000 Federal cost;

\$35,980,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

To help insure that investors have the necessary information to make security purchases, the Securities Act requires the filing of a registration statement which makes publicly available the information necessary for informed investing. Form S-18 is one of the forms prescribed for such purpose for small offerings by first-time issuers.

Extensions (No change)

• Revision of Certain Exemptions From the Registration Provisions of the Securities Act of 1933 for Transactions Involving Limited Offers and Sales
SFC 1972

On occasion

Businesses or other institutions

Issuers who elect to offer/sell secur. pursuant sec. 4(b)

SIC: multiple

Small businesses or organizations

Other advancement and regulation of commerce: 5,840 responses; 35,040 hours; \$235,589 Federal cost; \$1,576,800 public cost; 1 form; not applicable under 3504(h)

Robert Veeder, 202-395-4814

The proposed form will allow the Commission to elicit information necessary in assessing the effectiveness of regulation D as a capital raising device for small business.

Nathaniel Scurry,

Chief, Reports Management.

[FR Doc. 82-7993 Filed 3-19-82; 8:45 am]

BILLING CODE 3110-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 10/10-0177]

Alaska Pacific Investment Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR Section 107.102), under the name of Alaska Pacific Investment Corporation, 101 West Benson, Anchorage, Alaska 99502, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The officers, directors and shareholders are as follows:

A. G. Espe, 2204 Arcadia, Anchorage, Alaska 99503—Chairman of the Board and Director
Robert R. Richards, 2006 Atwood Drive, Anchorage, Alaska 99501—President and Director

John M. Goodfellow, 3864 51st Avenue, N.E., Seattle, Washington 98105—Vice President and Director

William M. Barstow, 8601 Muir Court, Anchorage, Alaska 99504—Secretary, Treasurer and Director

R. Mark Langland, P.O. Box 1290, Fairbanks, Alaska 99701—Director

George L. Whyel, Jr., SR Box 50063, Fairbanks, Alaska 99701—Director

The Applicant, an Alaska Corporation, will begin operations with \$505,000 paid-in capital and paid-in surplus. The Applicant will conduct its activities principally in the State of Alaska.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than fifteen (15) days from the date of publication of this Notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice should be published once in a newspaper of general circulation in Anchorage, Alaska.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 11, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-7579 Filed 3-19-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 06/06-0259]

Consolidated Bankers Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1981)), under the name of Consolidated Bankers Capital Corporation, number One Petroleum Place, Abilene, Texas 79603,

for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole shareholder of the Applicant are as follows:

Donnie D. Earney, 740 Sayles Blvd., Abilene, TX 79605—Chairman of the Board, Director
 Steven E. Chapman, 2717 Woodlake Drive, Abilene, TX 79606—President, Director
 Ronald N. Mullins, 317 Sayles Blvd., Abilene, TX 79605—Vice President
 Paul E. Hist, 3217 Woodlake, Abilene, TX 79606—Secretary/Treasurer, Director
 Craig H. Thomson, 3733 Hi-Vu, Abilene, TX 79606—Director
 Consolidated Bancshares, Inc., P.O. Box 450, Abilene, TX 79604—Sole shareholder

Consolidated Bancshares, Inc. is a Texas corporation registered as a bank holding company under the Bank Holding Company Act of 1956, as amended. It has approximately 750 shareholders of record. Mr. Earney is the only individual who owns 10 percent or more of its outstanding securities.

There will be one class of stock authorized: one million shares of common stock. Initially only 100,000 shares will be issued with a resultant private capital of \$500,000. Applicant proposes to conduct its operations principally in the State of Texas.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Abilene, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 12, 1982.

Robert G. Lineberry,
 Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-7580 Filed 3-19-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2028]

Illinois; Declaration of Disaster Loan Area

Kankakee and Will Counties in the State of Illinois constitutes a disaster area as a result of damage caused by ice jam and flooding beginning on February 23, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 13, 1982, and for economic injury until December 13, 1982, at the address below:

Small Business Administration, 219 South Dearborn Street, Room 438, Chicago, Illinois 60604.

or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners With Credit Available Elsewhere, 15¼ percent
 Homeowners Without Credit Available Elsewhere, 7½ percent
 Businesses With Credit Available Elsewhere, 16½ percent
 Businesses Without Credit Available Elsewhere, 8 percent
 Businesses (EIDL) Without Credit Available Elsewhere, 8 percent

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 12, 1982.

Robert A. Turnbull,
 Acting Administrator.

[FR Doc. 82-7561 Filed 3-19-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2026]

Washington; Declaration of Disaster Loan Area

Pacific County in the State of Washington constitutes a disaster area as a result of damage caused by strong winds, tidal action and flooding which occurred on November 13-15, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 13, 1982, and for economic injury until December 13, 1982, at the address below:

Small Business Administration, 915 Second Avenue, Federal Building, Room 1744, Seattle, Washington 98174.

or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners With Credit Available Elsewhere, 16 percent
 Homeowners Without Credit Available Elsewhere, 8 percent
 Businesses With Credit Available Elsewhere, 16½ percent
 Businesses Without Credit Available Elsewhere, 8 percent
 Businesses (EIDL) Without Credit Available Elsewhere, 8 percent

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: March 12, 1982.

Robert A. Turnbull,
 Acting Administrator.

[FR Doc. 82-7582 Filed 3-19-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2027]

Washington; Declaration of Disaster Loan Area

Whatcom County in the State of Washington constitutes a disaster area as a result of damage caused by winter storms, flooding and mudslides which occurred on January 21, 1982 through February 1, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on May 10, 1982, and for economic injury until December 13, 1982, at the address below: Small Business Administration, 915 Second Avenue, Federal Building, Room 1744, Seattle, Washington 98174, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners With Credit Available Elsewhere, 15¼ percent
 Homeowners Without Credit Available Elsewhere, 7½ percent
 Businesses With Credit Available Elsewhere, 15¼ percent
 Businesses Without Credit Available Elsewhere, 8 percent

Businesses (EIDL) Without Credit Available Elsewhere, 8 percent

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 11, 1982.

Robert A. Turnbull,
Acting Administrator.

[FR Doc. 82-7583 Filed 3-19-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 82-031]

Closure of Overseas Marine Inspection Offices

AGENCY: Coast Guard, DOT.

ACTION: Notice of reassignment of activities.

SUMMARY: The Coast Guard will be closing its overseas Marine Inspection Offices in Rotterdam, Netherlands, Kobe, Japan, and Singapore on April 1, 1982, and reassigning their functions to offices within the United States.

DISCUSSION: Beginning in the 1970's the Coast Guard began permanently stationing personnel in certain overseas locations to carry out commercial vessel safety activities. At present there are offices in Kobe, Singapore, and Rotterdam. These offices cover new construction, conversions, and periodic inspections in Europe, Africa, Middle East and Far East. Inspection activities in South and Central America, Mexico, and Canada have been carried out from Marine Inspection/Safety Offices within the United States.

Beginning April 1, 1982, the above named offices will be closing and transferring their workload to U.S. located offices as follows:

MSO Honolulu: Room 1, 433 Ala Moana Blvd., Honolulu, HI 96813. Inspection activities in the Far East, Pacific Basin, Indian Ocean as far as Arabian Sea.

MIO Seattle: 915 Second Ave., Seattle, WA 98174; Inspection activities in Western Canada.

MSO San Diego: 2710 Harbor Drive, San Diego, CA 92101; Inspection activities in Western Mexico above 20 degrees North latitude.

MIO New Orleans: F. Edward Hebert Bldg., 600 South Street, New Orleans, LA 70130; Inspection activities in South and Central America, Western Coast of Mexico below 20 degrees North latitude, and all of the Eastern Coast of Mexico.

MIO New York: Battery Park Bldg., New York, NY 10004; Inspection activities in Europe, the Mediterranean Sea, Red Sea, Persian Gulf, Arabian Sea, and all of Africa.

MSO Boston: 447 Commercial St., Boston, MA 02109; Inspection activities in Eastern Canada.

If your company will be in need of overseas inspection services, written application must be made to the cognizant Officer In Charge Marine Inspection as outlined above.

For new construction inspection overseas the Commandant (G-MVI) U.S. Coast Guard, 2100 2nd St., SW., Washington, D.C. 20593 should be contacted as before.

CONTACT: For further information, contact LT T. P. Talbot, Jr. at (202) 426-1464 at the above address.

Dated: March 15, 1982.

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

[FR Doc. 82-7635 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-14-M

[CGD 82-032]

Coast Guard Academy Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held in Hamilton Hall at the U.S. Coast Guard Academy, New London, CT, on Monday thru Wednesday April 19-21, 1982. The sessions on Monday will be held from 10:30 to 11:45 a.m. and 2:00 to 3:15 p.m. An open session will also be held on Wednesday from 10:15 to 11:45 a.m. There will be no session on Tuesday.

The agenda for this meeting is as follows: (a) faculty, (b) curricula.

The Coast Guard Academy Advisory Committee was established in 1937 by Pub. L. 75-38 to advise on the course of instruction at the Academy, and to make recommendations as necessary.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements at the meeting should notify, not later than the day before the

meeting: CAPT Roderick M. White, USCG, Dean of Academics/Executive Secretary of the Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320, phone (203) 444-8275.

Any member of the public may present a written statement to the Committee at any time.

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

J. B. Hayes,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 82-7636 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[AC No. 21-17]

Advisory Circular for Carriage of Cargo in Restricted Category Aircraft and Other Special Purpose Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of Advisory Circular (AC) No. 21-17, "Carriage of Cargo in Restricted Category Aircraft and Other Special Purpose Operations."

On November 27, 1981, a proposed AC was published in the *Federal Register* for public comment. Interested persons were given until February 1, 1982, to submit their views on the proposal. The comments were evaluated and it was determined that issuance of the AC, incorporating a number of changes recommended by commenters, would be in the public interest and safety would not be compromised.

Notice is hereby given that, after review of the comments and incorporation of changes based on comments, the FAA issued AC 21-17, "Carriage of Cargo in Restricted Category Aircraft and Other Special Purpose Operations," on 3/15/82.

Interested persons may obtain the AC from the U.S. Department of Transportation, Publications Section M-443.1, Washington, D.C. 20590. A copy of the FAA review and disposition of comments may be obtained from Federal Aviation Administration, Attention: Aircraft Manufacturing Division (AWS-200), 800 Independence Avenue, SW., Washington, D.C. 20591.

Issued in Washington, D.C. on March 15, 1982.

M. C. Beard,
Director of Airworthiness.

AC 21-17—Advisory Circular

FAR Guidance Material

Subject: Carriage of Cargo in Restricted Category Aircraft and Other Special Purpose Operations

1. *Purpose.* This advisory circular (AC) is to advise that the carriage of cargo in a restricted category aircraft is considered a restricted category special purpose operation and provides procedures for designating other special purpose operations under Federal Aviation Regulation (FAR) 21.25(b)(7).

2. *Information.* Types of restricted category special purpose operations are listed in FAR 21.25, which also provides in FAR 21.25(b)(7) for other special purpose operations as specified by the FAA Administrator. The carriage of cargo in restricted category aircraft has been authorized on a case by case basis in the past. However, the procedures related to issuance of the type certificates and airworthiness certificates for that purpose have never been published in the AC system. By this AC, therefore, carriage of cargo is specified as a special purpose operation under FAR 21.25(b)(7). This AC also provides guidance for issuance of type and airworthiness certificates for that purpose, and any other special purpose proposed by an applicant.

3. *General.* a. A person who applies for a restricted category type certificate for any special purpose operation should be aware that the operating limitations imposed on restricted category aircraft by FAR 91.39, among other things, prohibit the carriage of persons or property for compensation or hire, and restrict the areas and airports where restricted category aircraft may be operated. It should be recognized, therefore, that the strict limitations imposed on restricted category aircraft severely limit their practical usage, especially for the special purpose of carrying cargo.

b. The only operations falling within the restricted special purpose category are those items specifically listed in FAR 21.25(b) (1) through (6), plus further categories established under (b)(7) after public notice and comment procedures. Proposals for establishing new special purpose operations under FAR 21.25(b)(7) should be submitted to the FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, Attention: Aircraft Manufacturing Division, AWS-200, and should include information, views and arguments to substantiate that permitting the proposed operation would be in the public interest and safety would not be compromised. The proposal will be published in the *Federal Register* and final action will be taken after evaluation of comments received.

4. *Procedure.* a. *Type Certification.* A restricted category type certificate is a prerequisite to issuance of a restricted airworthiness certificate for an individual aircraft. Application for a type certificate should be made on FAA Form 8110-2, Application for Type Certificate, Production Certificate, or Supplemental Type Certificate, and submitted to the Engineering Division or

Branch in the FAA Regional Office of the region in which the applicant is located.

(1) An aircraft previously type certificated in one of the standard categories may be type certificated in the restricted category under FAR 21.25(a)(1), even though the applicant's aircraft may meet all of the requirements for a type certificate in another category, and no modifications to the aircraft are needed to accomplish the special purpose. When modifications to the aircraft are required for the special purpose, the certification basis for approval of the modifications would be the CAR/FAR applicable to the original type certification of the aircraft, except that the FAA certifying office may waive such of the basic airworthiness requirements as may be considered inappropriate for the special purpose. The decision to waive any of the basic airworthiness requirements is to be judged on the basis that operation of the aircraft under the waivers and under the limitations of FAR 91.39, plus any other operating limitations the type certifying office deems appropriate, will not adversely affect public safety.

(2) The type certification process for surplus aircraft of the U.S. Armed Forces under FAR 21.25(a)(2) would include an FAA evaluation of the military safety record of the aircraft model. An aircraft that has been declared unairworthy by the military is not eligible for certification in any category. The certification basis for approval of modifications to a military surplus aircraft that was never type certificated in any category would be the FAR applicable to the size of the aircraft (i.e., FAR 23 or FAR 25) and a showing by the applicant in accordance with FAR 21.25(a) that no feature or characteristics of the aircraft makes it unsafe when it is operated under the limitations prescribed for its intended use.

(3) The FAA certifying office may also consider the hazardous materials regulations in 49 CFR, Part 175, and in particular Section 175.320 "Cargo-only Aircraft; only means of transportation" when processing an application for the special purpose of carriage of cargo. If the applicant cannot specify that he will not be carrying hazardous materials in his cargo operations, or the applicability of Part 175 with respect to modifications that may be required is not evaluated during the type certification process, the certifying office would include the following limitation in the type certificate: "Carriage of hazardous materials is prohibited unless compliance is shown with applicable regulations in Code of Federal Regulations Title 49, Part 175."

b. *Airworthiness Certification.* An application for an airworthiness certificate for an aircraft that has been type certificated in the restricted category is made on FAA Form 8130-6, Application for Airworthiness Certificate, which may be submitted to any FAA field office. In processing an application for a restricted airworthiness certificate for the special purpose of carriage of cargo, the FAA certifying inspector will place emphasis in the following areas:

(1) An aircraft issued a restricted category type certificate under FAR 21.25(a)(1) must conform to the type design approved under

the category for which the aircraft was previously certificated, and to the type design for the restricted category modifications made to the aircraft. If no modifications had been made to the aircraft, and the aircraft was previously certificated in the standard category, it must be shown by the applicant to be in condition for safe operation and to conform to the type design for the standard category, unless the restricted category type design data specifies those airworthiness requirements that have been found inappropriate for the special purpose.

(2) For a surplus military aircraft, FAR 21.185(b) requires the FAA to make a finding that the aircraft is in a good state of preservation and repair and in condition for safe operation. In making this finding, the certifying inspector will require any degree of tear-down for inspection, or search of aircraft records that is found necessary to establish the condition of the aircraft and the aircraft systems that are subject to deterioration over a long period of storage. The inspection of the aircraft may be accomplished in conjunction with the type certification process.

(3) In the case of an aircraft that was previously type certificated in the standard category, and is to be returned to the standard category after operation in the restricted category, the certifying inspector will ensure that appropriate inspection requirements are included in the instructions for conversion of the aircraft back to standard configuration. The nature of cargo that may have been carried, the areas where the operations had been conducted, the surface conditions of the airports that had been used, and whether the aircraft had been operated at weights over those approved for the standard category would all be factors to consider in developing an inspection program that would determine whether structural damage or damage due to corrosion caused by the kind of cargo carried or areas of operation had occurred. Engineering assistance may be required and requested if deemed necessary by the certifying inspector.

(4) A restricted category aircraft may not be operated over any foreign country without the special permission of that country, since such aircraft may not meet the International Civil Aviation Organization Airworthiness Code, Annex 8. To ensure that foreign civil air authorities are aware of the status of restricted category aircraft exported to their countries, the following note will be placed under "exceptions" on all Export Certificates of Airworthiness, FAA Form 8130-4, issued for restricted category aircraft: "This Aircraft is type certificated in the restricted category and may not meet the applicable airworthiness code as provided by Annex 8 to the Convention on International Civil Aviation."

c. *Operations.* The operating limitations in FAR 91.39(d) may be waived following evaluation of the proposed operations by the FAA. Application for a waiver is made on FAA Form 7711-2, Application for Certificate of Waiver of Authorization, which may be submitted to the FAA region having

jurisdiction over the area in which the applicant plans to conduct the operations requiring a waiver. Each application for a waiver will be evaluated and processed on an individual basis by the appropriate FAA office, to determine whether:

(1) the operation with the additional flexibility permitted by the waiver and additional operating limitations applied (if any) will afford an equivalent degree of public safety to that resulting from the operation of standard category aircraft; and,

(2) based on individual circumstances, appropriate operating limitations and a specific date of expiration for the waiver consistent with completion of the special purpose operation should be prescribed.

d. *Maintenance.* Restricted category aircraft are not excluded from meeting any applicable maintenance requirements of FAR Parts 43 and 91, including the accomplishment of Airworthiness Directives. The FAA region in which a restricted category aircraft is being operated will take appropriate administrative or legal enforcement action whenever a deviation from these requirements is discovered.

e. *Airworthiness Certificates.* The FAA region in which restricted category aircraft are being operated has authority, under FAR 13.19, in the interest of safety and the public interest, to amend airworthiness certificates as a result of reinspection or investigation of individual circumstances related to restricted category operations.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 82-7572 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Denial of Defect Petitions; White, Geigel

This notice sets forth the reasons for denial of two petitions submitted to NHTSA under Section 124 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*)

On August 15, 1981, Marvin L. White of Olympia, Washington, pursuant to Section 124 of the Act asked the agency to commence an investigation to determine whether Lancia owners should be notified and their vehicles recalled for correction of a defect related to motor vehicle safety.

Specifically, Mr. White believed that the rubber fuel filler hose connecting the filler pipe and gas tank on 1979 Lancia automobiles is susceptible to rupture which could cause fuel leakage and provide potential for explosion or fire.

The agency contacted the importer, Fiat Motors of North America, Inc., reviewed information concerning 1976-81 Lancia vehicles (File P81-022) and found no other owner's reports or complaints pertaining to the fuel filler hose on Lancias of these model years.

Only 66 hoses had been distributed to dealers in the preceding 24 month period, for a population of over 13,000 vehicles. Since there appeared to be no problem, there was no reasonable possibility that Fiat Motors would be ordered to recall the vehicles at the conclusion of the investigation, and the petition was denied on February 2, 1982.

Mr. Wilfredo Geigel of Santurce, Puerto Rico, an attorney, petitioned on March 9, 1981, under Section 124, for an investigation of fuel reservoir system integrity, occupant protection and flammability of the interior compartment materials of 1976 Dodge Celeste vehicles (marketed in the United States as the Plymouth Arrow), manufactured by Mitsubishi of Japan.

The agency contacted the marketing agent, Chrysler Corp., and reviewed information concerning the fuel tank, filler neck, gas cap, mounting, fuel hoses, and the attachment of these components to the vehicle (File P81-015). No other reports of any kind were found concerning rear impact with resultant fire on 1976-80 Plymouth Arrow and Dodge Celeste vehicles. The agency wrote Mr. Geigel that the fire he reported did not appear to have been caused by a defect in the vehicle in question or by the flammability of its interior materials. Because there did not appear to be a reasonable possibility that the manufacturer would be ordered to notify and remedy at the conclusion of an investigation, the petition was denied on February 4, 1982.

Sec. 124, Pub. L. 93-492; 88 Stat 1470 (15 U.S.C. 1410a); delegations of authority at 49 CFR 1.50 and 501.8

Issued on March 12, 1982.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 82-7571 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-7; Notice 1]

Bridgestone Tire Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Bridgestone Tire Company of America, Inc. of Torrance, California, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is

published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Bridgestone manufactured in 1980 and 1981 and imported into the United States 915 truck tractor tires known as 10R22.5 14PR V-Steel Mix (VSX). Paragraph S6.5 of Standard No. 119 requires each truck tire to be labeled with certain information. Much of this information was missing from the Bridgestone tires: DOT certification symbol, maximum load rating and corresponding inflation pressure, and number of plies and composition of the ply material. In addition, the tire identification number consisted of only the first four digits though the tires have a Bridgestone identification number. On the other hand, the markings present included tire size designation and the words "Tubeless" or "Tube Type." At the present time, 355 tires remain in inventory and 560 have been sold.

Petitioner argues that these noncompliances are inconsequential because the 14PR VSX tires have proven "troublefree in practice all over the world." Test data submitted with the petition demonstrates, according to Bridgestone, that the tires meet the performance requirements of Standard No. 119 notwithstanding the lack of certification. Trucking companies, the most likely purchasers of the tires, "follow procedures that do not rely on sidewall information as much as general consumers do." These procedures "employ a set inflation pressure per tire size" which will result in a conservative operation of the tires. In addition, Bridgestone says that it will "take all available steps to supply appropriate information to purchasers." Bridgestone has also submitted data comparing "load rating at inflation pressure" with other available tires including its own 12PR, for both single and dual applications, which, petitioner argues, show that they are superior or equivalent to any tire which it might replace or be replaced with.

Interested persons are invited to submit written data, views and arguments on the petition of Bridgestone Tire Company of America, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the *Federal Register* pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: April 21, 1982.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 15, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-7466 Filed 3-19-82; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[068908]

Receipt of Domestic Interested Party Petition Concerning Classification of Prefinished Hardboard Siding

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of receipt of domestic interested party petition.

SUMMARY: The Customs Service has received a petition from a domestic interested party requesting the reclassification of prefinished hardboard siding (presently afforded duty-free treatment) under the provisions for hardboard, whether or not face finished, subject to duty. This document invites

comments with regard to the correctness of the present classification.

DATES: Interested persons may comment on this petition, and comments (preferably in triplicate) must be received on or before May 21, 1982.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Jenny Johnson, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by the American Hardboard Association, a national trade association representing American manufacturers of prefinished hardboard siding. The petitioner contends that prefinished hardboard siding, which is currently classifiable under the provision for building boards not specially provided for, whether or not face finished, of vegetable fibers (including wood fibers) in item 245.90, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), and presently afforded duty-free treatment, is more appropriately classifiable under the provisions for hardboard, whether or not face finished, in items 245.00 through 245.30 TSUS, subject to duty.

Schedule 2, Part 3, Headnote 1(e), TSUS, defines building boards as "panels of rigid construction * * * chiefly used in the construction of walls, ceilings, or other parts of buildings." The petitioner disagrees with Customs practice of classifying prefinished hardboard siding under the provision for

building board. He states that item 245.90, TSUS, was intended for classification of low density (weighing 30 pounds or less per cubic foot) insulation board products. Hardboard products, according to the petitioner (weighing 31 pounds or more per cubic foot), are to be classified in items 245.00 through 245.30, TSUS.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments on this petition from interested parties.

The domestic interested party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20220.

Authority

This notice is published in accordance with section 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

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

Dated: February 10, 1982.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 82-7578 Filed 3-19-82; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 55

Monday, March 22, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 9 a.m., Tuesday, March 23, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of Reauthorization.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-416-82 Filed 3-18-82; 3:34 pm]

BILLING CODE 6351-01-M

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federal register

**Monday
March 22, 1982**

Part II

**Department of
Health and Human
Services**

Office of the Secretary

**Exemption of Certain Research and
Demonstration Projects From Regulations
for Protection of Human Research
Subjects**

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of the Secretary
45 CFR Part 46
Exemption of Certain Research and Demonstration Projects From Regulations for Protection of Human Research Subjects

AGENCY: Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Health and Human Services (the Department or HHS) is proposing to include among the types of research specifically exempt from the application of the regulatory requirements of 45 CFR Part 46 (protection of human research subjects), research and demonstration projects conducted under the Social Security Act and other Federal statutory authority and designed to study certain public benefit or service programs, the procedures for obtaining benefits or services under those programs, and possible changes or alternatives to those programs or procedures, including changes in methods or levels of payment. This proposed amendment to the revised final regulations for protection of human research subjects (published January 26, 1981) would, in effect, restore to the regulations an exemption included in the initial notice of proposed rulemaking (NPRM) (published August 14, 1979). These demonstration and service projects are already subject to procedures which provide for extensive review by high level officials in various program administration offices. Review by an IRB would be duplicative and burdensome to state and local agencies and to other entities participating in demonstration projects. Removal of an unnecessary layer of review will not only reduce the cost of the projects but help to avoid unnecessary delays in project implementation.

DATE: Written comments are due by April 21, 1982.

ADDRESS: Please send comments or requests for additional information to: F. William Dommel, Jr., J. D., Assistant Director, Office for Protection from Research Risks, Public Health Service, 5333 Westbard Avenue, Room 3A-18, Bethesda, Maryland 20205. Telephone: (301) 496-7163.

FOR FURTHER INFORMATION CONTACT: F. William Dommel, Jr.; (301) 496-7163.

SUPPLEMENTARY INFORMATION: In an NPRM published August 14, 1979 (44 FR

47688), the Department proposed amendments to the basic HHS Policy for the Protection of Human Research Subjects, 45 CFR Part 46, and included an exemption from these regulations for research "designed to study on a large scale: (A) The effects of proposed social or economic change, or (B) methods or systems for the delivery of or payment for social or health services." Public comment on this section of the NPRM focused on the lack of clarity of its wording, and in particular the vagueness of the phrase "on a large scale." (See discussion in the preamble to the final amended regulations. 46 FR 8366, 8370, January 26, 1981.) No significant questions were raised and few adverse comments were made about exempting from institutional review board (IRB) scrutiny, research which involves the study of existing public benefit or service programs and possible changes in or alternatives to those programs. However, at the time of publication of the final regulations, the Department did not elect to include this exemption, but instead, as a policy matter, found IRB review "appropriate" for such research, while permitting waiver of informed consent where it is found to be "impracticable" (46 FR 8383).

The principal authority for the regulations in Part 46 is found in section 474 of the Public Health Service (PHS) Act under which the Secretary is required to establish by regulation review procedures for "the conduct of biomedical and behavioral research involving human subjects." This legislation does not specifically address research and demonstration projects designed to study public benefit or service programs which are conducted under the Social Security Act and other statutory authority. The Department again proposes to exempt certain projects of this kind as it previously proposed to do in the NPRM published August 14, 1979 (44 FR 47688). The specific wording of the exemption, however, has been modified in response to public comments which the Department received concerning the language proposed earlier. These comments call for greater clarity and specificity in the wording of the exemption.

There are several reasons why the Department considers such an exemption to be appropriate. First, these demonstration and service projects are already subject to procedures which provide for extensive review by high level officials in various program administration offices. Review by the IRB would be duplicative and burdensome to state and local agencies and to other entities participating in

demonstration projects. Removal of an unnecessary layer of review will not only reduce the cost of the projects but help to avoid unnecessary delays in project implementation.

Second, it is reasonable to assume that when the Congress directed that public benefit and service programs be carried out, it also expected the funding agencies to be able to evaluate them without subjecting the evaluation efforts to review and possible disapproval by IRBs.

Finally, the Department believes that the review procedures set forth in the current regulations are not well suited for demonstration projects involving public benefit and service programs. The Department has already provided for waiver of some or all of the consent procedures which are appropriately required for other kinds of research, but which may not be practicable for demonstration projects. The exemption proposed herein is simply a logical extension.

Under the proposed exemption, research and demonstration projects with the following statutory authorities would be among those exempted from the Part 46 requirements: Sections 426, 445, 1110(a), 1115 and 1875 of the Social Security Act; sections 201 (a) and (b) and section 505 of the Social Security Disability Amendments of 1980, Pub. L. 96-265; Section 402(a) of the Social Security Amendments of 1967, as amended (codified at 42 U.S.C. 1395b-1); section 222(a) of the Social Security Amendments of 1972 (codified at 42 U.S.C. 1395b-1 note); section 649 of Pub. L. 97-35 (Head Start Act); section 4 of Pub. L. 93-247, as amended (Child Abuse Prevention and Treatment Act); section 145 of Pub. L. 91-517, as amended (Developmental Disabilities Assistance and Bill of Rights Act); section 805 of Pub. L. 93-644, as amended (Native American Program Act of 1974); sections 421-425 of Pub. L. 93-29, as amended (Older Americans Act of 1965).

Impact Analysis
Economic Impact on Small Entities

The Secretary certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354. Thus, a regulatory flexibility analysis is not required.

Classification of Rule Under E.O. 12291

The Secretary has determined that this rule is not a "major rule" under Executive Order 12291 and thus a

regulatory impact analysis is not required. The Secretary's determination is based on the finding that the proposed rule would not:

(1) Have an annual effect on the economy of \$100 million or more;

(2) Impose a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Notice is given that it is proposed to make any amendment that is adopted, effective upon publication in the **Federal Register**.

Dated: February 1, 1982.

Edward N. Brandt, Jr.,
Assistant Secretary for Health.

Approved: February 25, 1982.

Richard S. Schweiker,
Secretary.

PART 46—PROTECTION OF HUMAN SUBJECTS

For the reasons set out in the preamble, Part 46 of 45 CFR is proposed to be amended by adding a new paragraph (6) to § 46.101(b) to read as follows:

§ 46.101 [Amended]

* * * * *

(b) * * *

(6) Unless specifically required by statute, research and demonstration projects which are conducted by or subject to the approval of the

Department of Health and Human Services, and which are designed to study, evaluate, or otherwise examine: (i) Programs under the Social Security Act, or other public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs.

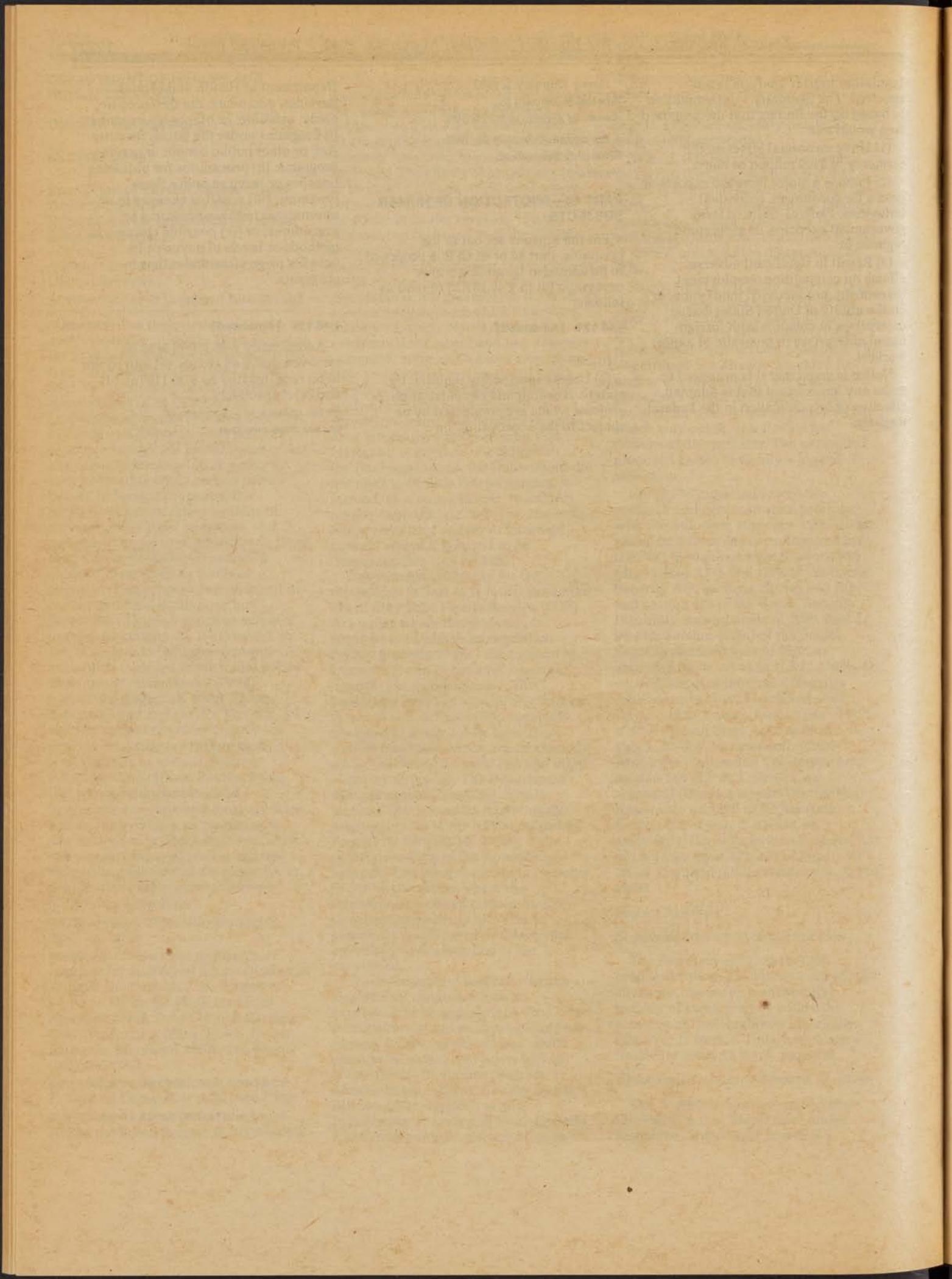
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§ 46.116 [Amended]

Additionally § 46.116(c) is to be removed and § 46.116 (d), (e) and (f) are to be redesignated as § 46.116 (c), (d) and (e) respectively.

[FR Doc. 82-7565 Filed 3-19-82; 8:45 am]

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Part III

Department of Transportation

Urban Mass Transit Administration

Urbanized Area Formula Apportionments

DEPARTMENT OF TRANSPORTATION**Urban Mass Transportation Administration****Urbanized Area Formula Apportionments**

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: NOTICE.**SUMMARY:** This Notice:

1. Describes the formula apportionment mechanism of section 5 of the Urban Mass Transportation Act of 1964, as amended.

2. Presents uniform terms for the subcategories of the section 5 program.

3. Provides the apportionment under section 5 for fiscal year 1982. The apportionments presented here are in the format of the uniform terms mentioned above.

FOR FURTHER INFORMATION CONTACT:

Edward Fleischman, Office of Program Analysis, UMTA, 400 Seventh Street, SW., Washington, D.C. 20590, Phone: (202) 472-2435.

SUPPLEMENTARY INFORMATION:**I. Background**

A program of federal assistance to urban mass transportation systems through grants on a formula basis for capital and operating assistance was enacted November 28, 1974 as Section 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act). An aggregate amount of \$10.5 billion was authorized for this program for fiscal years 1975 through 1981. The Department of Transportation and Related Agencies Appropriation Act, 1982 (Pub. L. 97-102) appropriated \$1,365,250,000 for apportionment in fiscal year 1982.

II. Previous Apportionment Mechanism

The legislation in effect from fiscal years 1975 through 1978, section 5(b)(1) of the Urban Mass Transportation Act of 1964, as amended, directed the Secretary of Transportation to apportion authorized funds "on the basis of a population and population density formula" as follows:

A. One-half of the funds apportioned according to population. Each urbanized area's share is proportional to the ratio of that area's population to the total population of all urbanized areas.

B. The other half of the funds are apportioned according to the product of population and population density. Each urbanized area's share is proportional to the ratio of the product of population and population density for that area to the total of the products of population

and population density for all the urbanized areas.

III. Current Apportionment Mechanism

The Surface Transportation Assistance Act of 1978 changed the formula for the operating assistance program. Section 5(a) of the UMT Act, as amended, (the "Act") directs the Secretary to apportion the funds appropriated to the urbanized areas on the basis of several factors. These factors, and the amount attributable to each in fiscal year 1982, are as follows:

A. Under paragraph (a)(1) of section 5 of the UMT Act, \$791,105,769 is to be apportioned among all the urbanized areas on the basis of their populations and population densities. These funds are available for capital or operating purposes, are apportioned by population and population density as in the previous legislation, and are referred to in the uniform terms as the "First Tier" or "Tier I."

B. Under paragraph (a)(2) of section 5 of the UMT Act, \$158,221,154 is to be apportioned on the basis of population and population density. These funds are referred to in the uniform terms as the "Second Tier" or "Tier II." These funds, which are available for capital or operating purposes, are apportioned as follows:

1. 85% of the funds are apportioned among urbanized areas with populations greater than 750,000. Each urbanized area's share is determined in a manner identical to that described in III A, with the exception that the population and population density of each such urbanized area is compared to the totals for these urbanized areas over 750,000 population instead of for all urbanized areas in the country.

2. 15% of the funds are apportioned among urbanized areas with populations less than 750,000. Each such urbanized area's share is determined in a manner identical to that described in III A, with the exception that population and population density of each such urbanized area is compared to the totals for these urbanized areas under 750,000 population instead of for all urbanized areas in the country.

C. Under paragraph (a)(3) of section 5 of the UMT Act, \$86,302,448 is to be apportioned among all the urbanized areas on the basis of their fixed guideway and commuter rail route mileages and commuter rail train mileages. These funds, including both fixed guideway and commuter rail amounts, are referred to in the uniform terms as the "Third Tier" or "Tier III." Data used to determine these appropriations are supplied by the Metropolitan Planning Organizations of

the urbanized areas, pursuant to the reporting requirements presented in 49 CFR Part 630, Subpart D.

These funds, which are available for capital and operating expenses related to both fixed guideway and commuter rail systems, are apportioned as follows:

1. Two thirds of the appropriation is to be apportioned based upon the commuter rail service serving each urbanized area. No single eligible state's portion of an urbanized area shall receive more than 30% nor less than 1/2 of 1% of the amount apportioned under this subcategory. The funds are apportioned as follows:

a. One-half of this amount is to be apportioned according to commuter rail route miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail route miles operated within or serving the areas to the total of all such commuter rail route miles operated within or serving all the urbanized areas.

b. One-half of this amount is to be apportioned according to commuter rail train miles. Each eligible urbanized area's share is proportional to the ratio of the commuter rail train miles operated within or serving the area to the total of all such commuter rail train miles operated within or serving all the urbanized areas.

2. The remainder of the amount appropriated is to be apportioned according to the number of fixed guideway route miles in each urbanized area. Each eligible urbanized area's share is proportional to the ratio of the fixed guideway route miles (excluding commuter rail) within the urbanized area to the total of all such fixed guideway route miles in all urbanized areas. No single urbanized area shall receive more than 30% of amount apportioned under this subcategory.

D. Under paragraph (a)(4) of section 5 of the UMT Act, \$329,620,629 is to be apportioned among all the urbanized areas on the basis of their population and population densities, in the same manner as described in III A above. These funds are available only for the purpose of buses and related equipment, or the construction of bus related facilities. These funds are referred to in the uniform terms as the "Fourth Tier" or "Tier IV". This apportionment procedure is consistent with previous practice. The current authorization legislation, the UMT Act, does not specify an apportionment mechanism beyond fiscal year 1980. Lacking Congressional instruction on this matter, the decision was made to follow, for fiscal year 1982, the precedent set for

Tier IV apportionments in fiscal years 1979, 1980, and 1981.

IV. Apportionment for Fiscal Year 1982

This Notice contains the apportionment for fiscal year 1982. Values are presented in the format of the uniform terms described in III, above. The funds shown in this notice will remain available to be granted by UMTA for three fiscal years following the close of fiscal year 1982.

The Third Tier apportionments were determined on the basis of certified data submitted to UMTA by the urbanized areas under the reporting requirements set forth in 49 CFR Part 630, Subpart D.

The fiscal year 1979 apportionments of Third Tier funds, presented in the *Federal Register* of September 20, 1979 (44 FR 54662), reflect incorrect data reported by several urbanized areas. This incorrect data resulted in reduced apportionments in fiscal year 1979 for all the other urbanized areas receiving Third Tier apportionment. Corrected fiscal year 1979 apportionments, utilizing data received at that time, were calculated for all urbanized areas and compared with the amounts published in 44 FR 54662. The differences between these corrected apportionments and the amounts published in 44 FR 54662 were determined and the excesses and deficiencies were added to the fiscal year 1980 apportionments published in the *Federal Register* of December 20, 1979 (44 FR 75580). The same situation has prevailed for fiscal years 1980 and 1981. Corrections to the data from some urbanized areas used to compute the fiscal year 1981 apportionments, as well as further corrections to data used to compute the fiscal year 1979 and 1980 apportionments, have been received. These corrected data have been used to recalculate the fiscal year 1979, 1980, and 1981 apportionments for all urbanized areas.

The differences between these most recently corrected apportionments and the previously published apportionments have been determined, and further corrections necessary have been made by adding the appropriate excesses and deficiencies to the apportionments presented here for fiscal year 1982. Thus, the values presented here are the fiscal year 1982 apportionments with the resulting adjustments for fiscal years 1979, 1980, and 1981, and subject to other statutory and regulatory limitations, are available for grants. Grants already awarded for fiscal years 1979, 1980, and 1981 apportionments are not affected, and any funds remaining from the previously published fiscal year 1979 (44 FR 54662), 1980 (44 FR 75580), and 1981 (45 FR

75144) apportionments are still available.

Amounts apportioned to urbanized areas greater than 200,000 in population are available directly to those urbanized areas. Amounts apportioned to urbanized areas under 200,000 in population are available to the Governors of the state(s) in which the urbanized area or a portion of an urbanized area is located. Amounts for these areas are listed under their states and a state total is shown. Such amounts may be allocated among these urbanized areas within each state in a fair and equitable manner by the Governor, utilizing the guidance provided in UMTA Circular 9050.1A section 5 Operating Assistance Application Instructions dated December 21, 1981.

The tables in this Notice are rounded-off to the nearest dollar. In cases where this rounding results in differences in the tables, the controlling apportionments will be urbanized area aggregate for multi-state urbanized areas over 200,000 in population and the state aggregate for urbanized areas under 200,000 in population.

Fiscal year 1975-77 section 5 funds which were not awarded in a grant as of November 6, 1978, (date of enactment of the Surface Transportation Assistance Act of 1978), or which were awarded in a grant by that date and were not used by the grantee (i.e., unspent during the life of the grant and returned to UMTA upon close-out of the project), are no longer available to the urbanized area or Governor to which they were apportioned. The funds in the letter category (granted as of November 6, 1978 and not subsequently used), and fiscal year 1977 and 1978 funds which have never been granted, will be reapportioned among all the urbanized areas. This reapportionment will be conducted and made public at such time as the magnitude of these funds is full determined.

The funds provided for section 5 urban formula grants, under the Department of Transportation and Related Agencies Appropriation Act, 1982 (Pub. L. 97-102), and which are apportioned according to census results, are required to be apportioned and allocated using data from the 1970 decennial census for one-half of the sums appropriated and the remainder apportioned and allocated on the basis of data from the 1980 decennial census. In fiscal year 1982, UMTA operated under continuing resolution (Pub. L. 97-51, Pub. L. 97-85 and Pub. L. 97-92) until December 23, 1981. During that time UMTA made two apportionments, one for \$182.3 million using 1970 census data

and one for \$89.9 million using 1980 census data. The apportionments in this Notice incorporate those initial two apportionments and the apportionment of the remaining \$1,093 million. The total fiscal year 1982 apportionments listed in this Notice reflect this balance of 1970 and 1980 census results.

As a result of the 1980 census, a number of new urbanized areas came into existence. These areas are apportioned funds, in fiscal year 1982, only from the portion of appropriated funds to be apportioned on the basis of the 1980 census. Since these areas were not urbanized areas as a result of the 1970 census, they do not receive apportionments from the portion of appropriated funds to be apportioned on the basis of the 1970 census.

A number of urbanized areas that, as a result of the 1970 census, were in the population category of "under 200,000", are in the "over 200,000" population category as a result of the 1980 census. Because apportionments are made to the state Governors for urbanized areas under 200,000 population, and to the urbanized areas directly for urbanized areas over 200,000 population, those urbanized areas that have changed their population category are listed twice in the apportionment tables: in both the "over 200,000" and "under 200,000" population categories, with the appropriate apportionments indicated for each case.

Further, a number of urbanized areas have been merged, or split, as a result of the 1980 census. In such cases, the individual components are shown in the apportionment tables with the amounts apportioned directly to them (or the Governors of their states) under the appropriate census basis. The merged urbanized areas are likewise shown in the tables, with the amounts apportioned to them under the appropriate census basis.

V. Third Tier Data Audit Reports

As stated in 49 CFR Part 630 Subpart D, Appendix A, published in the December 18, 1978 *Federal Register* (43 FR 58928), an audit of the fixed guideway and commuter rail data used in calculating the Section 5 Third Tier funds is required. After the publication of the Third Tier apportionments based upon the submitted data, but prior to receipt of the audit report, one half of the Third Tier amounts apportioned to each area will be available. If the urbanized area's audit report confirms the data submitted, the remaining half of the Third Tier funds will be made available to that area. If the audit report provides data which would have caused

an apportionment greater than the amount actually apportioned, the amounts made available will be limited to that actually apportioned. If the audit report provides data which is less than the amount actually apportioned, only the amount resulting from the data verified by the audit report will be made available. Excess funds resulting from such a restriction will be added to the total amount for the next year's apportionment to all areas in this category.

Dated: March 16, 1982.

Arthur E. Teele, Jr.,

Administrator.

BILLING CODE 4910-57-M

FISCAL YEAR 1982 UMTA SECTION 5 FORMULA APPOINTMENTS
AMOUNTS APPOINTED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)
(Continued)

	APPOINTMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a)(1)	Operating and Capital Support Sect. 5 (a)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a)(3)	Bus Capital Support Sect. 5 (a)(4)
URBANIZED AREA				
Fayetteville, North Carolina.....	465,738	43,989		184,053
Flint, Michigan.....	1,787,801	177,408		744,902
Fort Lauderdale—Hollywood, Florida.....	4,650,658	897,541		1,937,734
Fort Wayne, Indiana.....	1,274,296	126,989		530,946
Fort Worth, Texas.....	1,568,902	148,287		653,686
Fresno, California.....	1,713,447	172,329		713,922
Grand Rapids, Michigan.....	1,816,403	176,786		756,619
Greenville, South Carolina.....	483,270	45,360		201,368
Harrisburg, Pennsylvania.....	1,325,150	128,846		552,134
Hartford, Connecticut.....	2,605,036	267,645		1,118,742
Honolulu, Hawaii.....	3,315,981	340,849		1,381,630
Houston, Texas.....	10,630,214	2,665,120		4,428,165
Indianapolis, Indiana.....	3,920,410	983,018		1,633,471
Jackson, Mississippi.....	548,105	51,169		225,372
Jacksonville, Florida.....	2,381,876	221,474		992,426
Kansas City, Missouri—Kansas.....	5,213,806	1,320,368		2,172,375
(Part: Kansas).....	1,737,761	438,772		724,052
(Part: Missouri).....	3,476,046	881,596		1,448,323
Knoxville, Tennessee.....	577,182	53,575		240,487
Lansing, Michigan.....	1,358,838	135,860		566,171
Las Vegas, Nevada.....	1,617,901	156,401		674,112
Lawrence—Haverhill, MA—NH.....	1,001,503	98,859		417,284
(Part: Massachusetts).....	919,321	89,102		383,043
(Part: New Hampshire).....	82,182	7,757		34,242
Little Rock—North Little Rock, Arkansas.....	1,215,645	116,632		506,508
Lorain—Elyria, Ohio.....	468,727	43,833		195,299
Los Angeles—Long Beach, California.....	86,124,557	16,091,151	1,331,654	27,551,332
Louisville, Kentucky—Indiana.....	4,283,214	734,902		1,784,636
(Part: Indiana).....	4,101,706	81,002		1,923,373
(Part: Kentucky).....	3,821,508	653,900		1,592,282
Madison, Wisconsin.....	1,138,228	112,991	30,644	474,252
Memphis—Cocoa, Florida.....	415,938	38,179		173,304
Memphis, Tennessee—Mississippi—Arkansas.....	3,956,820	683,914		1,648,841
(Part: Arkansas).....	69,829	17,475		28,012
(Part: Mississippi).....	77,454	15,511		32,272
(Part: Tennessee).....	3,809,737	660,928		1,587,358
Miami, Florida.....	9,861,429	2,410,622		4,108,844
Milwaukee, Wisconsin.....	6,392,355	1,803,472		2,663,426
Minneapolis—St. Paul, Minnesota.....	8,321,396	2,105,900	233,932	3,467,177
Mobile, Alabama.....	1,185,314	110,678		483,871
Nashville—Davidson, Tennessee.....	1,974,572	181,693		822,721
New Haven, Connecticut.....	1,918,288	189,978		796,312
New Orleans, Louisiana.....	7,289,912	1,780,910		3,041,587
Newport News—Hampton, Virginia.....	1,336,983	126,783		557,898
New York, N.Y.—Northern New Jersey.....	129,826,004	31,334,053		54,008,725
(Part: New Jersey).....	28,706,486	7,051,903		11,960,790
(Part: New York).....	100,919,518	24,282,149		42,048,935
Norfolk—Portsmouth, Virginia.....	3,387,465	595,772		1,411,415
Ogden, Utah.....	428,384	40,191		178,906
Oklahoma City, Oklahoma.....	2,728,365	256,009		1,136,795

FISCAL YEAR 1982 UMTA SECTION 5 FORMULA APPOINTMENTS
AMOUNTS APPOINTED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)

	APPOINTMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a)(1)	Operating and Capital Support Sect. 5 (a)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a)(3)	Bus Capital Support Sect. 5 (a)(4)
URBANIZED AREA				
Akron, Ohio.....	2,724,087	267,032		1,135,013
Albany—Schenectady—Troy, New York.....	2,639,218	261,840		1,099,652
Albuquerque, New Mexico.....	1,826,848	178,932		761,171
Allentown—Bethlehem—Easton, PA—NJ.....	2,165,633	218,245	649,074	902,412
(Part: New Jersey).....	150,157	15,161	361,400	62,564
(Part: Pennsylvania).....	2,016,676	203,084	287,674	839,848
Ann Arbor, Michigan.....	576,776	57,725		240,318
Atlanta, Georgia.....	6,895,468	1,682,172	506,939	2,798,728
Augusta, Georgia.....	527,395	49,445		219,743
(Part: Georgia).....	413,079	38,228		172,113
(Part: South Carolina).....	114,316	10,718		47,631
Aurora—Elgin, Illinois.....	665,221	66,422	305,497	277,170
Austin, Texas.....	1,735,722	172,187	723,203	280,088
Bakersfield, California.....	624,224	62,679		260,088
Baltimore, Maryland.....	10,849,314	2,665,813	721,369	4,520,455
Baton Rouge, Louisiana.....	1,514,358	148,032		630,870
Birmingham, Alabama.....	2,785,305	286,364		1,160,520
Boston, Massachusetts.....	15,894,703	3,955,861	6,788,638	6,660,196
Bridgeport, Connecticut.....	2,155,502	212,124	283,538	898,107
Buffalo, New York.....	7,046,711	1,726,754	2,936,069	2,936,069
Canton, Ohio.....	1,332,395	132,385		595,153
Charleston, South Carolina.....	1,268,033	120,727		528,336
Charlotte, North Carolina.....	1,526,523	147,654		638,038
Chattanooga, Tennessee—Georgia.....	1,119,565	104,459	38,074	466,059
(Part: Georgia).....	150,884	14,103		62,887
(Part: Tennessee).....	967,680	90,356	38,074	403,192
Chicago, Illinois—Northwestern Indiana.....	48,010,007	11,717,641	14,300,176	20,003,758
(Part: Illinois).....	45,285,451	11,041,596	13,101,060	18,868,590
(Part: Indiana).....	2,724,556	676,045	1,199,116	1,135,208
Cincinnati, Ohio—Kentucky.....	6,172,588	1,538,971		2,571,859
(Part: Kentucky).....	1,035,438	258,924		431,423
(Part: Ohio).....	5,137,151	1,280,047		2,140,436
Cleveland, Ohio.....	10,165,772	2,537,259	1,406,564	4,235,651
Colorado Springs, Colorado.....	1,142,953	109,843		476,221
Columbia, South Carolina.....	1,303,524	125,156		543,124
Columbus, Georgia—Alabama.....	969,978	92,316		404,149
(Part: Alabama).....	114,433	10,705		47,678
(Part: Georgia).....	855,545	81,611		356,470
Columbus, Ohio.....	4,518,382	1,125,747		1,682,620
Corpus Christi, Texas.....	1,010,707	96,114		424,452
Dallas—Fort Worth, Texas.....	5,487,468	1,390,294		2,278,085
Dallas, Texas.....	3,253,783	823,961		1,395,719
Davenport—Rock Island—Moline, IA—IL.....	1,323,041	127,514		551,256
(Part: Illinois).....	592,059	56,527		246,696
(Part: Iowa).....	730,984	70,986		304,570
Dayton, Ohio.....	3,417,806	337,919		1,424,057
Denver, Colorado.....	6,919,732	1,718,175		2,893,162
Des Moines, Iowa.....	1,287,855	124,906		536,595
Detroit, Michigan.....	25,141,634	6,182,503		10,475,465
El Paso, Texas.....	2,102,860	207,843		876,173

FISCAL YEAR 1982 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sec. 5 (e) (1)	Sec. 5 (e) (2)	Sec. 5 (e) (3)	Sec. 5 (e) (4)
Tampa, Florida.....	2,281,321	221,387		942,198
Toledo, Ohio—Michigan.....	2,634,307	281,277		1,097,805
(Part: Michigan).....	52,898	5,058		22,040
(Part: Ohio).....	2,581,409	256,219		1,075,565
Trenton, New Jersey—Pennsylvania.....	1,625,808	165,334	765,436	677,406
(Part: New Jersey).....	1,504,071	163,201	765,436	626,983
(Part: Pennsylvania).....	121,737	12,133		50,723
Tucson, Arizona.....	1,949,827	192,189		812,411
Tulsa, Oklahoma.....	1,652,069	176,053	3,468,833	771,679
Washington, D.C.—Maryland—Virginia.....	17,053,267	4,190,475	926,301	2,962,571
(Part: District of Columbia).....	7,110,317	1,720,213	926,301	2,376,671
(Part: Maryland).....	5,708,929	1,416,019	1,846,956	2,376,671
(Part: Virginia).....	4,234,021	1,052,243	695,576	1,764,139
West Palm Beach, Florida.....	1,944,864	189,722		810,352
Wilchita, Kansas.....	1,597,173	157,374		665,475
Wilkes-Barre, Pennsylvania.....	608,350	59,854		252,641
Wilmington, Delaware—New Jersey—Maryland.....	2,088,988	208,298	287,674	874,560
(Part: Delaware).....	1,980,531	196,937	287,674	825,204
(Part: Maryland).....	20,482	1,983		6,534
(Part: New Jersey).....	97,975	9,369		40,822
Worcester, Massachusetts.....	1,363,689	134,177		566,192
Youngstown—Warren, Ohio.....	2,099,448	206,084		874,752

FISCAL YEAR 1982 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO URBANIZED AREAS OVER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support	Operating and Capital Support	Fixed Guideway and Commuter Rail Support	Bus Capital Support
	Sec. 5 (e) (1)	Sec. 5 (e) (2)	Sec. 5 (e) (3)	Sec. 5 (e) (4)
Omaha, Nebraska—Iowa.....	2,783,090	277,587		1,159,597
(Part: Iowa).....	265,170	25,368		110,485
(Part: Nebraska).....	2,517,920	252,218		1,049,112
Olando, Florida.....	2,055,122	198,991		656,283
Oxnard—Ventura—Thousand Oaks, California.....	1,980,808	155,793		662,823
Pensacola, Florida.....	450,386	42,146		187,657
Peoria, Illinois.....	1,240,006	116,980		516,656
Philadelphia, Pennsylvania—New Jersey.....	28,239,624	6,904,295	11,434,231	11,796,268
(Part: New Jersey).....	4,411,381	1,091,121	1,286,361	1,836,038
(Part: Pennsylvania).....	23,828,242	5,813,174	10,147,850	9,928,230
Phoenix, Arizona.....	5,499,449	1,388,938	1,600,545	2,291,390
Pittsburgh, Pennsylvania.....	9,642,721	2,460,248	47,302	7,110,317
Portland, Oregon—Washington.....	5,116,847	1,279,079	47,302	5,708,929
(Part: Oregon).....	4,626,349	1,152,702		1,927,606
(Part: Washington).....	492,498	123,377		205,203
Providence, Rhode Island—Massachusetts.....	4,433,748	1,104,656	575,348	1,847,357
(Part: Massachusetts).....	293,968	74,041	287,674	122,483
(Part: Rhode Island).....	4,139,780	1,030,615	287,674	1,724,865
Raleigh, North Carolina.....	478,981	45,860		198,738
Richmond, Virginia.....	2,268,981	221,275		945,806
Rochester, New York.....	3,625,676	367,671		1,510,667
Rockford, Illinois.....	1,137,980	113,532		474,149
Sacramento, California.....	3,821,954	694,858		1,592,448
Salt Lake City, Utah.....	2,876,156	290,431		1,199,207
San Antonio, Texas.....	4,757,653	1,185,667		1,982,315
San Bernardino—Riverside, California.....	2,981,396	284,577		1,242,223
San Diego, California.....	7,823,632	1,977,369	790,560	3,301,445
San Francisco—Oakland, California.....	20,180,748	4,958,578	3,328,212	8,408,472
San Jose, California.....	6,999,956	1,728,192		2,916,588
San Juan, Puerto Rico.....	8,887,047	2,125,862	943,799	3,694,527
Sarasota—Bradenton, Florida.....	1,092,987	104,440		455,268
Scranton—Wilkes-Barre, Pennsylvania.....	932,786	89,547		388,653
Scranton, Pennsylvania.....	503,724	48,472		209,881
Seattle—Everett, Washington.....	7,194,518	1,795,505	43,436	2,997,654
Shreveport, Louisiana.....	1,237,655	120,345		515,679
Shreveport, Louisiana—Michigan.....	1,350,567	132,625		582,725
South Bend, Indiana.....	1,243,236	122,891		518,004
(Part: Indiana).....	107,331	10,334		44,720
(Part: Michigan).....	1,310,213	129,306		545,911
Spokane, Washington.....	2,396,697	228,456		984,520
Springfield—Chicopee—Holyoke, MA—CN.....	271,355	26,155		113,082
(Part: Connecticut).....	2,115,541	202,301		881,457
(Part: Massachusetts).....	11,262,693	2,763,239		4,688,526
St. Louis, Missouri—Illinois.....	1,502,704	376,179		626,114
(Part: Illinois).....	9,749,989	2,407,059		4,082,412
(Part: Missouri).....	3,807,238	688,521		1,502,965
St. Petersburg, Florida.....	2,226,843	225,076		927,832
Syracuse, New York.....	1,828,456	177,726		761,008
Tacoma, Washington.....				

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (e)(1)	Operating and Capital Support Sect. 5 (e)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Bus Capital Support Sect. 5 (e)(4)
ALABAMA				
Governors Apportionment for Alabama	2,928,874	272,532		1,220,340
(Anniston)	275,277	25,381		114,696
(Auburn-Opelika)	90,513	8,005		37,713
(Decatur)	103,386	9,393		43,062
(Dothan)	92,454	8,229		38,522
(Florence)	278,849	25,725		116,185
(Gadsden)	276,973	25,081		115,403
(Huntsville)	589,736	54,747		249,885
(Montgomery)	797,036	76,746		332,092
(Tuscaloosa)	414,638	39,225		172,762
ALASKA				
Governors Apportionment for Alaska	599,792	56,091		249,908
(Anchorage)	599,792	56,091		249,908
ARIZONA				
Governors Apportionment for Arizona	130,985	12,723		54,576
(Yuma)	130,985	12,723		54,576
ARKANSAS				
Governors Apportionment for Arkansas	861,430	81,203		358,921
(Fayetteville-Springdale)	115,312	10,381		48,046
(Fort Smith)	326,752	29,987		136,144
(Pine Bluff)	318,012	31,190		132,502
(Texarkana)	101,353	9,644		42,230
CALIFORNIA				
Governors Apportionment for California	7,331,547	728,003		3,054,748
(Antioch-Pittsburg)	407,296	40,666		168,703
(Bakersfield)	508,471	50,648		211,025
(Chico)	118,500	11,361		49,374
(Fairfield)	182,472	15,683		67,685
(Hemet)	125,511	12,011		52,295
(Lancaster)	169,247	10,006		45,519
(Modesto)	787,879	77,270		319,943
(Napa)	163,172	16,319		67,987
(Palm Springs)	123,350	11,140		51,395
(Redding)	101,115	9,220		42,130
(Salinas)	496,901	51,576		207,038
(Santa Barbara)	824,157	83,237		343,392
(Santa Cruz)	445,838	42,393		185,782
(Santa Maria)	142,186	13,911		59,243
(Seaside-Monterey)	530,328	51,664		220,966
(Simi Valley)	614,301	62,086		255,853
(Stockton)	361,490	35,656		150,618
(Visalia)	1,038,511	104,742		433,121
(Yuba City)	142,263	13,828		59,283
(Yuma)	148,896	14,503		62,039
	642	62		267

FISCAL YEAR 1982 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (e)(1)	Operating and Capital Support Sect. 5 (e)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Bus Capital Support Sect. 5 (e)(4)
COLORADO				
Governors Apportionment for Colorado	1,542,879	154,070		642,894
(Boulder)	484,737	49,993		201,970
(Fort Collins)	186,475	18,066		77,696
(Grand Junction)	123,118	11,642		51,288
(Greeley)	173,147	17,350		72,143
(Pueblo)	575,501	57,119		239,787
CONNECTICUT				
Governors Apportionment for Connecticut	4,689,799	453,638	1,134,172	1,954,043
(Bristol)	352,481	33,473		146,884
(Danbury)	324,637	29,867	283,543	135,263
(Meriden)	355,435	33,657		148,095
(New Britain)	737,807	73,562		307,455
(New London-Norwich)	632,503	59,505		263,537
(Norwalk)	540,451	52,735	283,543	125,183
(Stamford)	841,394	92,172	283,543	392,239
(Waterbury)	804,991	78,667	283,543	335,406
DELAWARE				
Governors Apportionment for Delaware				
DISTRICT OF COLUMBIA				
Governors Apportionment for District of Columbia				
FLORIDA				
Governors Apportionment for Florida	4,410,430	417,291		1,837,642
(Daytona Beach)	610,431	56,996		254,341
(Fort Myers)	444,681	41,503		185,280
(Fort Walton Beach)	171,689	15,902		71,536
(FL Pierce)	137,647	12,635		57,352
(Gainesville)	415,863	40,148		173,273
(Lakeland)	408,951	38,898		170,393
(Melbourne-Cocoa)	412,407	38,813		171,833
(Naples)	100,097	9,053		41,706
(Ocala)	98,853	9,685		41,188
(Panama City)	156,754	14,464		65,313
(Pensacola)	440,363	43,159		183,493
(Tallahassee)	465,673	44,789		194,026
(Winter Haven)	151,234	14,151		63,013

FISCAL YEAR 1982 UNITA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (a) (1)	Operating and Capital Support Sect. 5 (a) (2)	Fixed Guideway and Commuter Rail Support Sect. 5 (a) (3)	Bus Capital Support Sect. 5 (a) (4)
GEORGIA				
Governors Apportionment for				
Georgia	2,530,886	243,266		1,054,514
(Albany)	374,173	35,547		155,902
(Athens)	130,055	12,141		54,189
(Augusta)	348,393	34,473		145,161
(Macon)	641,204	62,289		267,163
(Rome)	100,247	9,215		41,769
(Savannah)	816,016	78,130		340,000
(Warner Robins)	120,797	11,470		50,331
HAWAII				
Governors Apportionment for				
Hawaii	291,080	29,113		121,281
(Kaliua-Kaneohe)	291,080	29,113		121,281
IDAHO				
Governors Apportionment for				
Idaho	677,821	66,068		282,461
(Boise City)	554,777	54,232		231,152
(Pocatello)	123,144	11,836		51,309
ILLINOIS				
Governors Apportionment for				
Illinois	4,774,323	473,780	315,023	1,989,281
(Alton)	440,761	42,386		183,647
(Aurora)	381,986	37,089		159,158
(Beloit)	14,077	1,349		5,865
(Bloomington-Normal)	450,372	45,554		187,651
(Champaign-Urbana)	723,984	75,371		301,654
(Danville)	123,710	11,968		51,545
(Decatur)	527,470	51,580		218,775
(Dubuque)	10,362	998		4,318
(Eggin)	279,117	27,827		116,297
(Joliet)	838,453	82,408		349,348
(Kankakee)	162,155	16,077		67,563
(Round Lake Beach)	137,576	12,981		57,322
(Springfield)	684,297	68,483		285,118
INDIANA				
Governors Apportionment for				
Indiana	3,145,437	311,544		1,310,572
(Anderson)	359,065	34,006		149,607
(Bloomington)	175,924	17,616		73,300
(Elkhart-Goshen)	186,154	17,716		77,563
(Evansville)	839,203	83,823		349,661
(Kokomo)	163,294	16,226		66,058
(Lafayette--West Lafayette)	516,480	52,506		215,196
(Muncie)	513,136	51,405		213,903
(Terre Haute)	382,178	38,246		163,404

FISCAL YEAR 1982 UNITA SECTION 5 FORMULA APPORTIONMENTS
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(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (e) (1)	Operating and Capital Support Sect. 5 (e) (2)	Fixed Guideway and Commuter Rail Support Sect. 5 (e) (3)	Bus Capital Support Sect. 5 (e) (4)
IOWA				
Governors Apportionment for				
Iowa	1,991,291	190,170		829,688
(Cedar Rapids)	641,444	61,761		287,263
(Dubuque)	356,746	35,561		148,641
(Iowa City)	133,279	12,728		55,532
(Sioux City)	369,272	34,561		153,860
(Waterloo)	490,551	45,560		204,392
KANSAS				
Governors Apportionment for				
Kansas	776,384	75,511		323,487
(Lawrence)	135,653	13,371		56,521
(St. Joseph)	4,591	421		1,913
(Topeka)	636,140	61,718		265,053
KENTUCKY				
Governors Apportionment for				
Kentucky	1,752,616	175,093		730,242
(Clarksville)	86,545	8,137		36,090
(Evansville)	53,166	5,228		22,152
(Huntington-Ashland)	258,132	24,984		107,553
(Lexington-Fayette)	1,003,282	100,703		418,026
(Owensboro)	351,491	36,042		146,451
LOUISIANA				
Governors Apportionment for				
Louisiana	1,976,363	189,660		823,467
(Alexandria)	386,030	36,664		160,843
(Houma)	128,851	11,837		53,687
(Lafayette)	506,051	49,940		210,850
(Lake Charles)	489,726	46,825		204,049
(Monroe)	485,703	44,392		184,039
MAINE				
Governors Apportionment for				
Maine	871,151	80,551		362,973
(Bangor)	106,146	9,430		44,227
(Lewiston-Auburn)	256,487	23,004		106,859
(Portland)	484,906	46,018		202,040
(Ponemouth-Dover-Rochest)	23,632	2,099		9,847
MARYLAND				
Governors Apportionment for				
Maryland	408,857	38,785		170,354
(Annapolis)	146,517	14,033		61,048
(Cumberland)	119,498	11,214		49,790
(Hagerstown)	142,842	13,538		59,516

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AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)
(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I Operating and Capital Support Sect. 5 (e)(1)	Tier II Operating and Capital Support Sect. 5 (e)(2)	Tier III Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Tier IV Bus Capital Support Sect. 5 (e)(4)
MONTANA				
Governors Apportionment for				
Montana	908,598	89,354		378,574
(Billings)	393,007	35,389		163,750
(Great Falls)	382,324	38,189		169,299
(Missoula)	133,265	12,796		55,526
NEBRASKA				
Governors Apportionment for				
Nebraska	924,207	91,387		385,078
(Lincoln)	850,978	87,319		367,067
(Sioux City)	43,229	4,068		18,012
NEVADA				
Governors Apportionment for				
Nevada	654,606	63,837		272,747
(Reno)	654,606	63,837		272,747
NEW HAMPSHIRE				
Governors Apportionment for				
New Hampshire	983,768	94,100		409,895
(Lowell)	1,341	132		559
(Manchester)	502,418	49,088		209,337
(Nashua)	320,238	30,689		133,430
(Portsmouth-Dover-Rochest)	159,770	14,191		66,570
NEW JERSEY				
Governors Apportionment for				
New Jersey	944,936	88,163	473,107	393,715
(Atlantic City)	648,776	61,938	473,107	270,318
(Vineland—Millville)	296,159	26,225		123,387
NEW MEXICO				
Governors Apportionment for				
New Mexico	228,561	21,289		94,399
(Las Cruces)	120,026	11,369		50,010
(Santa Fe)	106,535	9,920		44,389
NEW YORK				
Governors Apportionment for				
New York	2,877,326	279,582	228,695	1,198,861
(Binghamton)	888,971	86,203		370,387
(Danbury)	5,014	462		2,089
(Elmira)	387,257	38,461		161,354
(Glens Falls)	107,370	10,054		44,737
(Newburgh)	134,454	12,514		56,021
(Poughkeepsie)	537,641	50,951	228,695	224,012
(Ulster-Rome)	816,621	78,938		340,252

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I Operating and Capital Support Sect. 5 (e)(1)	Tier II Operating and Capital Support Sect. 5 (e)(2)	Tier III Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Tier IV Bus Capital Support Sect. 5 (e)(4)
MASSACHUSETTS				
Governors Apportionment for				
Massachusetts	4,010,124	395,910	577,505	1,670,851
(Brockton)	878,236	86,988	287,674	365,924
(Fall River)	740,508	74,670		308,539
(Fitchburg-Leominster)	315,248	28,958		131,351
(Lowell)	912,254	90,299	289,831	380,098
(New Bedford)	818,683	83,360		341,111
(Pittsfield)	251,473	23,273		104,778
(Taunton)	93,721	8,362		39,049
MICHIGAN				
Governors Apportionment for				
Michigan	4,062,401	388,125	1,692,633	
(Ann Arbor)	578,036	59,276	240,843	
(Battle Creek)	371,019	35,706	154,588	
(Bay City)	405,788	39,918	169,075	
(Jackson)	135,902	12,868	56,625	
(Kalamazoo)	387,216	37,397	161,337	
(Muskegon—Muskegon Heights)	726,219	69,682	302,585	
(Port Huron)	490,618	48,850	204,420	
(Saginaw)	138,938	13,368	57,869	
	828,663	82,930	345,269	
MINNESOTA				
Governors Apportionment for				
Minnesota	1,263,763	122,268	526,556	
(Duluth—Superior)	425,696	38,958	177,328	
(Fargo—Moorhead)	179,599	17,795	74,831	
(Grand Forks)	16,894	1,882	7,872	
(La Crosse)	14,735	1,407	6,199	
(Rochester)	338,164	34,039	140,899	
(St. Cloud)	286,774	28,187	119,487	
MISSISSIPPI				
Governors Apportionment for				
Mississippi	1,403,633	133,695	584,918	
(Biloxi-Gulfport)	854,169	61,468	272,585	
(Hattiesburg)	111,157	10,223	46,315	
(Pascagoula-Moss Point)	128,657	11,807	52,773	
(Jackson)	511,850	50,397	213,268	
MISSOURI				
Governors Apportionment for				
Missouri	1,346,501	127,716	561,030	
(Columbia)	263,801	24,535	109,915	
(Joplin)	107,955	9,777	44,980	
(Springfield)	606,226	57,953	252,589	
(St. Joseph)	368,520	35,451	153,547	

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	APPOINTMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (e)(1)	Operating and Capital Support Sect. 5 (e)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Bus Capital Support Sect. 5 (e)(4)
OREGON				
Governors Apportionment for				
Oregon	1,571,803	154,843		654,946
(Eugene)	855,903	84,569		356,619
(Longview)	2,918	274		1,216
(Medford)	123,526	11,934		51,468
(Salem)	589,557	57,866		245,644
PENNSYLVANIA				
Governors Apportionment for				
Pennsylvania	5,283,413	530,326	287,874	2,201,377
(Alltoona)	480,171	48,683		200,067
(Erie)	1,092,909	111,446		455,370
(Hagerstown)	1,879	178		763
(Johnstown)	515,267	51,374		214,680
(Lancaster)	716,951	70,629		288,723
(Monessen)	138,628	13,006		57,761
(Reading)	1,042,860	106,138	287,874	434,516
(Sharon)	117,806	11,560		48,065
(State College)	151,340	15,339		63,057
(Staubenville—Weirton)	807	76		336
(Williamsport)	327,651	32,407		136,519
(York)	697,142	69,490		290,470

PUERTO RICO
Governors Apportionment for

Puerto Rico	3,036,905	315,303		1,285,351
(Aguadilla)	152,798	15,056		63,664
(Arecibo)	180,252	17,459		75,104
(Caguas)	725,328	74,733		301,380
(Mayaguez)	533,371	54,747		222,233
(Ponce)	1,236,403	132,407		515,157
(Vega Baja—Manati)	210,763	20,902		87,812

RHODE ISLAND
Governors Apportionment for

Rhode Island	185,873	17,992		77,445
(Fall River)	64,109	6,110		28,711
(Newport)	121,764	11,782		50,734

SOUTH CAROLINA
Governors Apportionment for

South Carolina	1,140,326	107,753		475,125
(Anderson)	104,810	9,767		43,670
(Augusta)	48,878	4,548		20,365
(Florence)	111,242	10,250		46,350
(Greenville)	396,397	38,381		165,162
(Rock Hill)	99,891	9,185		41,620
(Spartanburg)	379,108	35,622		157,958

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	APPOINTMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (e)(1)	Operating and Capital Support Sect. 5 (e)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Bus Capital Support Sect. 5 (e)(4)
NORTH CAROLINA				
Governors Apportionment for				
North Carolina	5,261,215	499,913		2,192,128
(Asheville)	371,900	34,721		154,955
(Burlington)	282,479	26,709		117,697
(Concord)	139,482	12,770		58,116
(Durham)	627,209	60,725		261,332
(Fayetteville)	406,388	39,327		189,325
(Gastonia)	430,358	40,149		179,312
(Goldsboro)	110,173	10,042		45,904
(Greensboro)	810,732	79,045		337,798
(Hickory)	117,828	10,704		49,094
(High Point)	423,284	39,764		176,365
(Jacksonville)	138,746	12,632		57,810
(Raleigh)	380,920	36,794		158,713
(Wilmington)	308,161	28,700		128,388
(Winston-Salem)	713,555	67,829		297,309
NORTH DAKOTA				
Governors Apportionment for				
North Dakota	597,846	59,019		249,097
(Bismarck-Mandan)	139,186	13,337		57,993
(Fargo—Moorhead)	336,391	33,503		140,160
(Grand Forks)	122,270	12,179		50,945
OHIO				
Governors Apportionment for				
Ohio	3,096,052	300,953		1,289,995
(Hamilton)	488,774	47,570		203,652
(Huntington—Ashland)	145,608	14,112		60,689
(Lima)	350,499	34,116		146,038
(Lorain—Elyria)	453,333	43,066		188,885
(Mansfield)	351,766	33,296		146,566
(Middletown)	188,758	17,597		78,648
(Newark)	111,314	10,557		46,380
(Parkersburg)	36,774	3,613		15,322
(Sharon)	10,395	1,020		4,331
(Springfield)	533,943	53,982		222,472
(Staubenville—Weirton)	229,514	22,124		95,629
(Wheeling)	195,374	19,888		81,404
OKLAHOMA				
Governors Apportionment for				
Oklahoma	560,100	53,291		233,371
(Enid)	103,006	9,573		42,918
(Fort Smith)	7,912	712		3,287
(Lawton)	449,183	43,006		187,156

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URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (e)(1)	Operating and Capital Support Sect. 5 (e)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Bus Capital Support Sect. 5 (e)(4)

VIRGINIA

Governors Apportionment for

Virginia	1,978,606	189,350		824,403
(Bristol)	43,424	3,917		16,083
(Charlottesville)	158,950	15,804		66,228
(Danville)	118,561	11,208		49,389
(Kingsport)	18,516	1,714		7,715
(Lynchburg)	344,438	31,866		143,513
(Petersburg-Colonial Heights)	489,646	47,020		204,015
(Roanoke)	865,072	77,700		335,440

WASHINGTON

Governors Apportionment for

Washington	1,285,063	122,485		535,432
(Bellingham)	114,493	10,929		47,704
(Bremerton)	141,643	13,442		59,017
(Longview)	113,661	10,681		47,358
(Olympia)	144,359	13,543		60,148
(Richland—Kennewick)	386,902	36,368		162,456
(Yakima)	381,006	37,523		158,749

WEST VIRGINIA

Governors Apportionment for

West Virginia	2,127,183	209,726		886,308
(Charleston)	789,150	77,079		328,606
(Cumberland)	5,479	514		2,283
(Huntington-Ashland)	512,439	51,297		213,512
(Parkersburg)	324,348	32,516		135,142
(Steubenville—Weirton)	162,089	14,410		63,369
(Wheeling)	343,679	33,910		143,197

WISCONSIN

Governors Apportionment for

Wisconsin	4,080,982	405,731		1,704,541
(Appleton)	772,357	77,473		321,809
(Beloit)	101,886	9,767		42,452
(Duluth-Superior)	112,664	10,081		46,842
(Eau Claire)	155,015	14,618		64,588
(Green Bay)	589,636	56,481		249,843
(Janesville)	122,991	11,915		51,245
(Kenosha)	567,816	56,745		236,585
(La Crosse)	325,849	32,050		135,768
(Oshkosh)	332,353	33,862		138,478
(Racine)	731,355	74,613		304,725
(Sheboygan)	148,722	14,625		61,966
(Wausau)	120,336	11,522		50,139

WYOMING

Governors Apportionment for

Wyoming	289,546	28,285		120,842
(Casper)	153,442	15,150		63,933
(Cheyenne)	136,104	13,115		56,709

[FR Doc. 82-7585 Filed 3-19-82; 8:45 am]
BILLING CODE 4910-57-C

FISCAL YEAR 1982 UMTA SECTION 5 FORMULA APPORTIONMENTS
AMOUNTS APPORTIONED TO GOVERNORS FOR URBANIZED AREAS UNDER 200,000 POPULATION (DOLLARS)

(Continued)

URBANIZED AREA	APPORTIONMENT BASIS			
	Tier I	Tier II	Tier III	Tier IV
	Operating and Capital Support Sect. 5 (e)(1)	Operating and Capital Support Sect. 5 (e)(2)	Fixed Guideway and Commuter Rail Support Sect. 5 (e)(3)	Bus Capital Support Sect. 5 (e)(4)

SOUTH DAKOTA

Governors Apportionment for

South Dakota	522,391	50,875		217,858
(Rapid City)	114,314	10,915		47,630
(Sioux City)	5,005	463		2,085
(Sioux Falls)	403,073	39,296		167,944

TENNESSEE

Governors Apportionment for

Tennessee	1,287,805	120,538		536,575
(Bristol)	55,584	23,159		10,113
(Clarksville)	198,454	18,328		82,687
(Jackson)	99,373	41,405		19,405
(Johnson City)	153,433	14,087		63,929
(Kingsport)	300,357	27,427		125,146
(Knoxville)	480,805	46,531		200,248

TEXAS

Governors Apportionment for

Texas	9,134,936	872,407		3,806,145
(Abilene)	382,552	35,002		159,393
(Amarillo)	643,684	61,577		268,196
(Beaumont)	517,857	48,435		215,770
(Brownsville)	404,576	40,504		168,570
(Bryan-College Station)	294,719	27,747		122,797
(Galveston)	311,195	30,386		129,662
(Harlingen-San Benito)	253,291	23,727		105,536
(Killeen)	381,532	36,594		158,968
(Laredo)	517,510	52,853		215,625
(Longview)	137,654	12,875		57,355
(Lubbock)	751,027	71,632		312,922
(McAllen-Pharr-Edinburg)	642,477	63,160		267,693
(Midland)	305,888	29,209		127,451
(Odessa)	481,395	47,689		200,577
(Port Arthur)	495,949	46,086		206,641
(San Angelo)	316,506	30,366		132,708
(Sherman-Denison)	234,058	21,701		97,522
(Temple)	100,203	9,093		41,751
(Texarkana)	169,266	15,896		70,528
(Texas City-La Marque)	367,230	33,018		153,009
(Tyler)	321,910	31,118		134,085
(Victoria)	126,605	12,400		52,751
(Waco)	517,699	47,641		215,704
(Wichita Falls)	458,250	44,078		190,934

UTAH

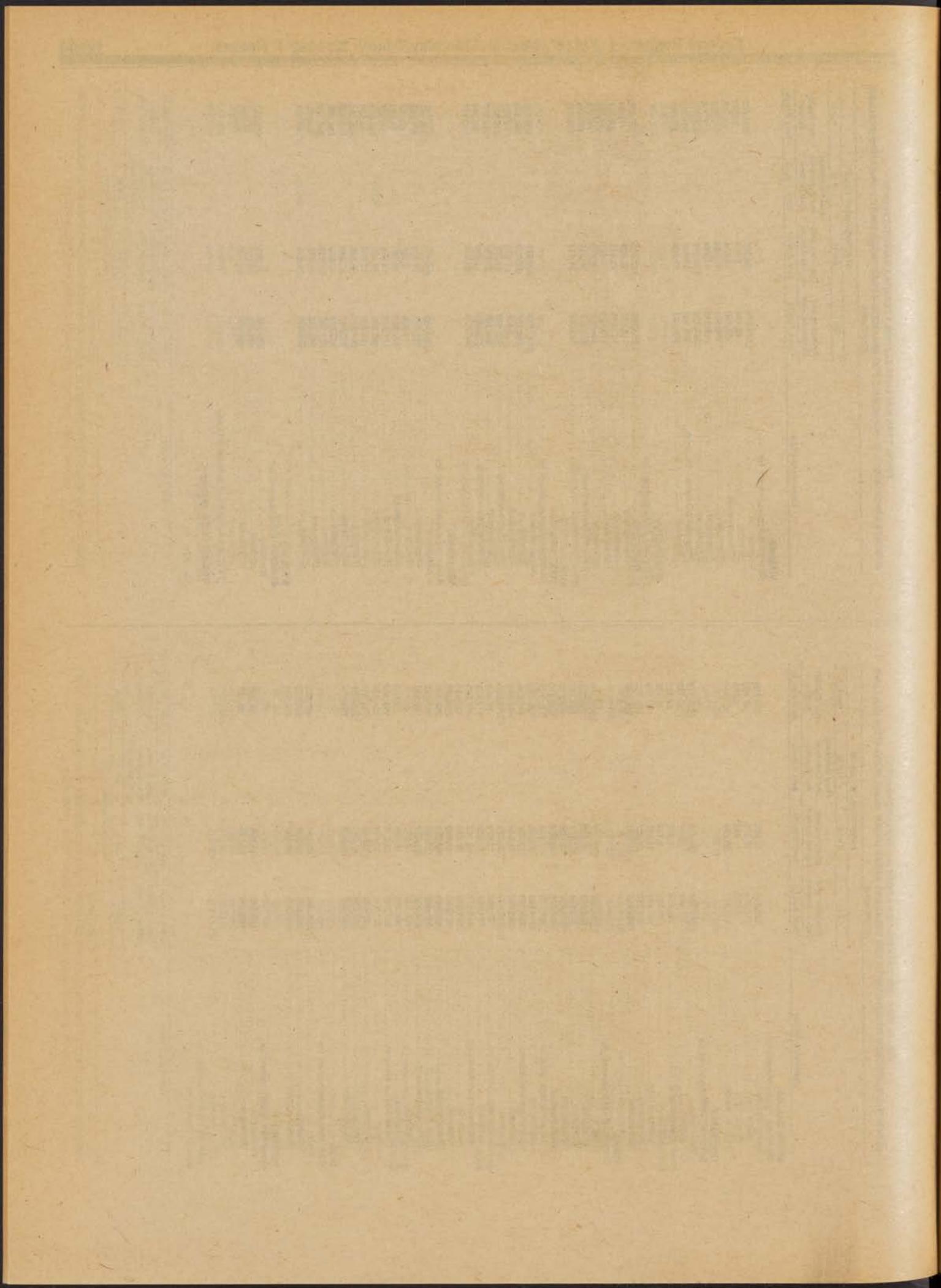
Governors Apportionment for

Utah	1,026,395	98,946		427,656
(Ogden)	392,460	38,380		163,522
(Provo-Orem)	633,935	60,566		264,134

VERMONT

Governors Apportionment for

Vermont	160,330	15,023		66,803
(Burlington)	160,330	15,023		66,803



Registered Federal Report

**Monday
March 22, 1982**

Part IV

Department of the Interior

Bureau of Land Management

**Final Amendment to Provision on Office
Hours; Place for Filing of Forms**

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular No. 2499]

43 CFR Part 1820

Execution and Filing of Forms;
Amendment to Provisions on Office
Hours: Place for Filing**AGENCY:** Bureau of Land Management,
Interior.**ACTION:** Final Rulemaking.

SUMMARY: This final rulemaking amends the existing regulations in 43 CFR Subpart 1821 relating to the filing of forms, specifically the place of filing and the hours of filing. This amendment is necessitated by the decentralization of authority in the Bureau of Land Management with its delegation of authority for most decisions concerning the public lands to those nearest the action on the ground, the District and Area Offices.

EFFECTIVE DATE: April 21, 1982.

ADDRESS: Any suggestions or inquiries should be addressed to: Director (840), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Jeff Steele, (202) 343-8738.

SUPPLEMENTARY INFORMATION: In an effort to make the Bureau of Land Management more responsive to the public, the decisionmaking authority is being delegated to those managers that are closest to the actual activity on the ground, the District and Area Managers. Presently, most final decisionmaking authority concerning the public lands is delegated to the State Directors of the Bureau of Land Management. This existing procedure has placed the responsibility for most land management decisions in the State Offices, not in the offices closest to the actual management of the public lands. This procedure has tended to delay action on many decisions and to remove the ultimate decision responsibility from the manager that is closest to the day-to-day running of the Bureau. In order to make the Bureau more responsive to the public and to place the responsibility for decisions where it properly belongs, authority to make decisions is being delegated to the District and Area Offices.

The final rulemaking will also amend

the existing regulations to allow the Bureau of Land Management to revise public room hours by administrative action without resorting to the rulemaking process each time the public room hours are changed, as is now the case. This change will allow the Bureau to establish public hours based upon local needs in a timely manner without having to go through the time-consuming rulemaking process. This change will permit each Bureau office with a public room to ascertain public demand and set public room hours and post those hours in a prominent place. The public will then be aware of the hours.

This final rulemaking is an administrative action. It informs the public that the District and Area Offices are available for filing of requests by the public for decisions concerning the use of the public lands. This final rulemaking will make it easier for the public to file requests for decisions involving the use of the public lands and should speed the decisionmaking process. We know of no additional burden that will be imposed on the public as a result of the issuance of this final rulemaking, but it in fact should lessen the burden.

The author of this final rulemaking is Jeff Steele, Division of Lands, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Under the authority of section 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Subpart 1821, Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
March 8, 1982.

PART 1820—APPLICATION
PROCEDURES

1. Section 1821.2-1 is amended by:
(a) Revising paragraphs (a) and (d) to read:

§ 1821.2-1 Office hours; place for filing.

(a) The hours during which the offices set forth in paragraph (d) of this section shall be open to the public for the filing of applications and other documents and the inspection of records shall be prominently displayed in each office.

(d) The Bureau of Land Management has redelegated authority to District and Area Offices for processing certain types of public lands disposal and use authorization applications. In those instances where delegation has been made to the District or Area Office from the State Office, applications shall be filed with the District or Area Office having responsibility for the public lands covered by the requested action. Accordingly, applicants, prior to the filing of an application, should contact the State, District or Area Office of the Bureau of Land Management in their immediate vicinity or for the geographic area in which the public lands being applied for are located. The locations of the offices are as follows:

State Office and Area of Jurisdiction

Alaska State Office, 701 'C' Street, Box 13, Anchorage, Alaska 99513—Southern Alaska¹

Fairbanks District Office, North Post of Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska 99707—Northern Alaska¹

Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073—Arizona

California State Office, Federal Building, 2800 Cottage Way, Sacramento, California 95825—California

Colorado State Office, 1037 Twentieth Street, Denver, Colorado 80202—Colorado

Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304—Arkansas, Iowa, Louisiana, Minnesota, Missouri and all States east of the Mississippi

Idaho State Office, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724—Idaho

Montana State Office, Granite Tower, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107—Montana, North Dakota and South Dakota

Nevada State Office, Federal Building, 300 North Booth Street, Reno, Nevada 89509—Nevada

¹ See diagram for division line.

New Mexico State Office, U.S. Post Office
and Federal Building, South Federal Place,
Santa Fe, New Mexico 87501—New
Mexico, Oklahoma and Texas

Oregon State Office, 729 Northeast Oregon
Street, Portland, Oregon 97208—Oregon
and Washington

Utah State Office, University Club Building,
136 East South Temple, Salt Lake City,
Utah 84111—Utah

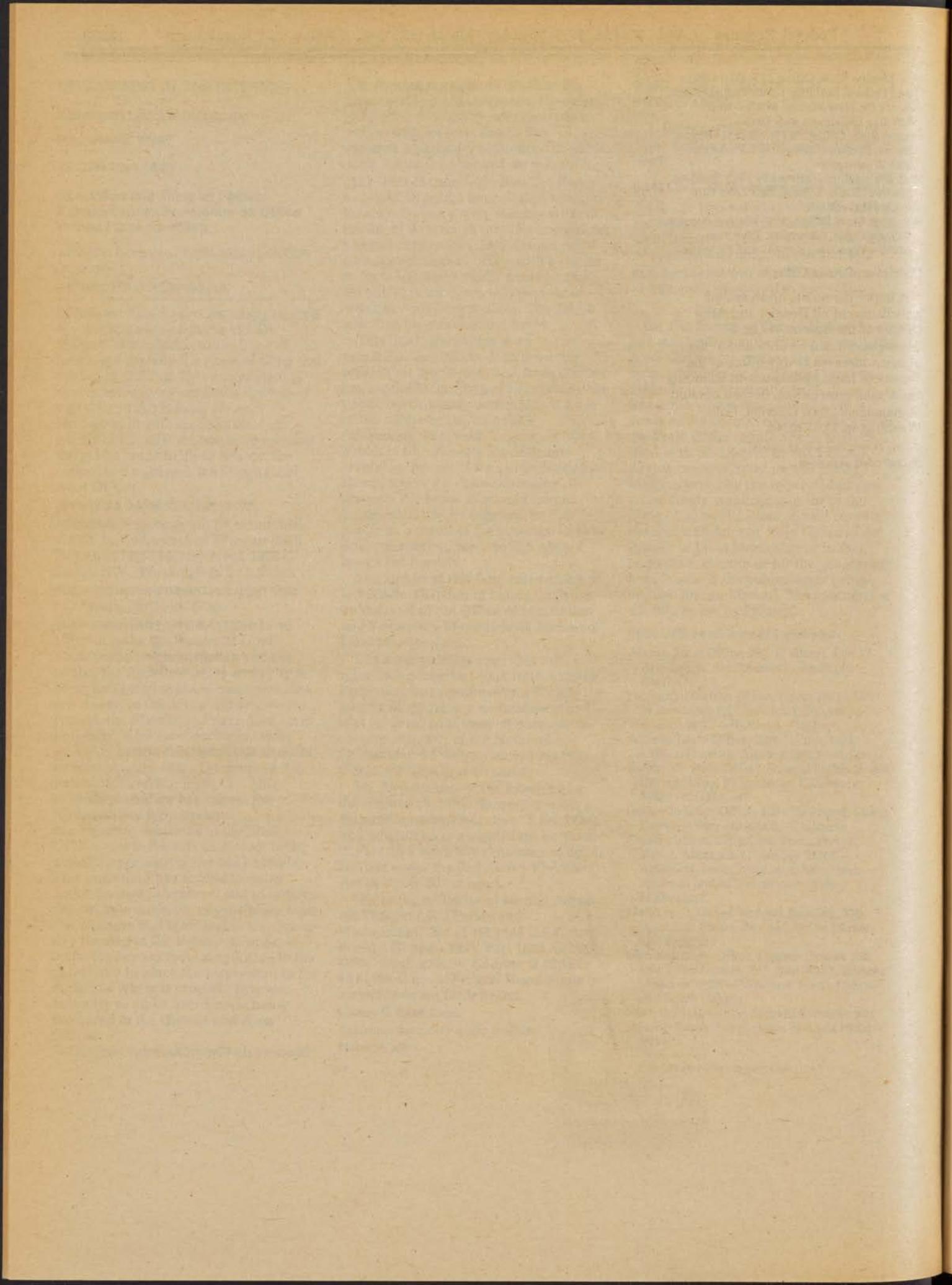
Wyoming State Office, 2515 Warren Avenue,
P.O. Box 1828, Cheyenne, Wyoming
82001—Wyoming, Kansas and Nebraska

District and Area Offices

A list of the name, address and
jurisdiction of all District and Area
Offices of the Bureau of Land
Management can be obtained at the
above addresses or any office of the
Bureau of Land Management, including
the Washington Office, Bureau of Land
Management, 1800 C Street, NW.,
Washington, D.C. 20240.

[FR Doc. 82-7614 Filed 3-19-82; 8:45 am]

BILLING CODE 4310-84-M



federal register

**Monday
March 22, 1982**

Part V

**Water Resources
Council**

**Water and Related Land Resources
Planning; Extension of Comment Period
on Proposed Repeal of Regulations and
Request for Comment on New Principles
and Guidelines**

WATER RESOURCES COUNCIL**18 CFR Parts 711, 713, 714, and 716****Water and Related Land Resources Planning Principles, Standards and Procedures, Repeal of Regulations; Extension of Comment Period**

AGENCY: Water Resources Council.

ACTION: Notice of additional period for comment on proposed repeal of rules and of invitation to comment on proposed new replacement Principles and Guidelines.

SUMMARY: This notice reopens the public comment period for the proposed repeal of 18 CFR Parts 711, 713, 714 and 716 published on September 11, 1981 (46 FR 45368). This notice also announces the availability of and requests comments on the proposed Principles and Guidelines that would replace the repealed rules.

DATE: The interested public is invited to submit written comments on this proposal on or before May 21, 1982.

ADDRESS: Written comments should be addressed to: Water Resources Council, 2120 L Street, NW., Suite 800, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Acting Director, (202) 254-6303.

SUPPLEMENTARY INFORMATION:

A notice of proposed repeal of the Principles, Standards and Procedures in 18 CFR Parts 711, 713, 714, and 716 was published on September 11, 1981, at 46 FR 45368. The comment period in that notice closed on October 13, 1981. A substantial number of comments received stated that it was difficult to evaluate and comment on the effects of the repeal without having available at the same time information concerning proposed guidelines that would replace the rules to be repealed.

After consideration of comments

received, the Water Resources Council has decided to make available to the interested public the replacement Principles and Guidelines that are proposed for adoption by the WRC and approval of the President, and to provide an additional comment period of 60 days from the date of this notice. The Principles and Standards published as rules in 18 CFR 711 would be replaced by the proposed new Principles and Guidelines. The Procedures for Evaluation of National Economic Development Benefits and Costs and of Environmental Quality, published in 18 CFR Parts 713 and 714 are proposed for repeal as rules and incorporation into the new guidelines. Comments are invited on the substance of these Procedures as well as on the proposal to repeal their status as rules. The Procedures for Evaluation of Other Social Effects, published in 18 CFR Part 716, would be repealed and not replaced.

The proposed new Principles and Guidelines are published in the Notices section of today's *Federal Register*. It is expected that the new Principles and Guidelines will be formally established by the Water Resources Council after review by the Cabinet Council on Natural Resources and Environment and approval by the President so as to take effect on the same date that repeal of 18 CFR Part 711, 713, 714, and 716 becomes final.

A revised preliminary environmental assessment has been prepared in accordance with 40 CFR Parts 1500-1503. Copies of the revised preliminary environmental assessment are available from the U.S. Water Resources Council, 2120 L Street, NW., Suite 800, Washington, DC 20037.

James G. Watt,

Chairman, Water Resources Council.

March 4, 1982.

[FR Doc. 82-7660 Filed 3-19-82; 8:45 am]

BILLING CODE 8410-01-M

WATER RESOURCES COUNCIL**Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies; Request for Comment****AGENCY:** Water Resources Council.**ACTION:** Request for public comment on proposed new Principles and Guidelines.

SUMMARY: This notice makes available, and invites public comment on, proposed new Principles and Guidelines that would replace the Principles, Standards, and Procedures in 18 CFR Parts 711, 713, 714, and 716. Those rules were proposed for repeal on September 11, 1981 (46 FR 45368). An additional 60-day public comment period on their proposed repeal is announced in the Proposed Rules section of today's Federal Register.

DATES: The interested public is invited to submit written comments on this proposal on or before May 21, 1982.

ADDRESS: Written comments should be addressed to the Water Resources Council, 2120 L Street, NW., Suite 800, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Acting Director, (202) 254-6303.

SUPPLEMENTARY INFORMATION: The proposed new Principles and Guidelines are published in the Notices section of today's Federal Register. It is expected that the new Principles and Guidelines will be formally established by the Water Resources Council after review by the Cabinet Council on Natural Resources and Environment and approval by the President so as to take effect on the same date that repeal of 18 CFR 711, 713, 714, and 716 becomes final.

The proposed Principles and Guidelines are intended to ensure proper and consistent planning by Federal agencies in the formulation and evaluation of water and related land resources implementation studies. The agencies covered by these Principles and Guidelines are: Corps of Engineers, (Civil Works) water resources project plans; Bureau of Reclamation water resources project plans; and Soil Conservation Service water resources project plans.

Dated: March 4, 1982.

James G. Watt,
Chairman.

Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies*Principles*

1. These principles are intended to ensure proper and consistent planning by Federal agencies in the formulation and evaluation of water and related land resources implementation studies.

Implementation studies of the following agency activities are covered by these principles:

- (a) Corps of Engineers (Civil Works) water resources project plans;
- (b) Bureau of Reclamation water resources project plans;
- (c) Tennessee Valley Authority water resources project plans;
- (d) Soil Conservation Service water resources project plans.

Implementation studies are pre- or postauthorization project formulation or evaluation studies undertaken by Federal agencies.

2. The Federal objective of water and related land resources project planning is to contribute to national economic development consistent with protecting the Nation's environment, pursuant to national environmental statutes, applicable executive orders, and other Federal planning requirements.

- (a) Water and related land resources project plans shall be formulated to alleviate problems and take advantage of opportunities in ways that contribute to these objectives.
- (b) Contributions to national economic development are increases in the net value of the national output of goods and services, expressed in monetary units. Contributions to NED are the direct benefits and costs that accrue in the planning area and the rest of the nation. Contributions to NED include increases in the net value of those goods and services that are marketed, and also of those that may not be marketed.

3. Federal water resources planning is to be responsive to State and local concerns. Accordingly, State and local participation is to be encouraged in all aspects of water resources planning. Federal agencies are to contact Governors or designated State agencies for each affected State before initiating studies, and to provide appropriate opportunities for State participation. It is recognized, however, that water projects which are local, regional, statewide, or even interstate in scope do not necessarily require a major role for the Federal government; non-Federal, voluntary arrangements between

affected jurisdictions may often be adequate. States and localities are free to initiate planning and implementation of water projects.

4. Federal water resources planning is to take into account international implications, including treaty obligations. Timely consultations with the relevant foreign government should be undertaken when a federal water project is likely to have a significant impact on any land or resources within its territorial boundaries.

5. Various alternative plans are to be formulated in a systematic manner to insure that all reasonable alternatives are evaluated.

- (a) A plan that reasonable maximizes net national economic development (NED) benefits, consistent with the Federal objective, is to be formulated. This plan is to be identified as the NED plan.
- (b) Other plans which reduce net NED benefits in order to further address other Federal, State, local, and international concerns not fully addressed by the NED plan may be formulated.
- (c) Plans may be formulated which require changes in existing statutes, administrative regulations, and established common law; such required changes are to be identified.
- (d) Each alternative plan formulated is to be efficient and effective; and appropriate mitigation of adverse effects is to be an integral part of each alternative plan.
- (e) Existing water and related land resources plans, such as State water resources plans, are to be considered as alternative plans if within the scope of the planning effort.

6. A plan recommending Federal action is to be the alternative plan with the greatest net economic benefit (the NED plan), unless the Secretary of a department or head of an independent agency grants an exception to this rule. Exceptions may be made when there are overriding reasons for recommending another plan, based on other Federal, State, local and international concerns.

7. Four accounts are established to facilitate evaluation and display of effects of alternative plans. The national economic development account is required. Other information that is required by law or that will have a material bearing on the decisionmaking process should be included in the other accounts, or in some other appropriate format used to organize information on effects.

(a) The national economic development (NED) account displays changes in the economic value of the national output of goods and services.

(b) The environmental quality (EQ) account displays nonmonetary effects on significant natural and cultural resources.

(c) The regional economic development (RED) account registers changes in the distribution of regional economic activity that results from each alternative plan. Evaluations of regional effects are to be carried out using nationally consistent projections of income, employment, output, and population.

(d) The other social effects (OSE) account registers plan effects from perspectives that are relevant to the planning process, but are not reflected in the other three accounts.

8. Discounting is to be used to convert future monetary values to present values.

9. The period of analysis is to be the same for each alternative plan.

10. Planners shall identify areas of risk and uncertainty in their analysis and describe them clearly, so that decisions can be made with knowledge of the degree of reliability of the estimated benefits and cost and of the effectiveness of alternative plans.

11. For purposes of allocating total project financial costs among the project purposes served by a plan, separable costs will be assigned to their respective project purposes, and all joint project costs will be allocated to project purposes for which participants in plan implementation have cost sharing authority, unless the plan includes proposals for changes in cost sharing. (Cost sharing policies for water projects will be addressed separately.)

12. In order to ensure consistency of Federal agency planning necessary for purposes of budget and policy decisions and to aid States and the public in evaluation of project alternatives, the Water Resources Council (WRC), in cooperation with the Cabinet Council on Natural Resources and Environment, shall issue standards and procedures, in the form of guidelines, implementing these principles. The head of each Federal agency subject to this order will be responsible for consistent application of the guidelines. An agency may propose agency guidelines which differ from the guidelines issued by WRC. Such agency guidelines and suggestions for improvements in the WRC guidelines are to be submitted to WRC for review and approval. The WRC will forward all agency proposed guidelines which represent changes in established policy

to the Cabinet Council on Natural Resources and Environment for its consideration.

13. These principles shall apply to implementation studies completed more than 120 days after issuance of the standards and procedures referenced in Section 12.

February 23, 1982.

Economic and Environmental Guidelines for Water and Related Land Resources Implementation Studies

Chapter I—Standards

Section I—Introduction

1.1 Purpose and Scope

1.2 Authority

1.3 Applicability

Section II—The Federal Objective

Section III—Summary of the Planning Process

3.1 Introduction

3.2 Major Steps

3.3 Specification of the Problems and Opportunities Associated with the Federal Objective

3.4 Inventory and Forecast of Water and Related Land Resource Conditions

3.5 Formulation of Alternative Plans

3.6 Evaluation of Effects

3.7 Comparison of Alternative Plans

3.8 Plan Selection

Section IV—General Planning Considerations

4.1 Federal-State Relationship in Planning

4.2 International Consultations

4.3 General Public Participation

4.4 Review and Consultation

4.5 Interdisciplinary Planning

4.6 Agency Decisionmaking

4.7 Planning Area

4.8 Scoping

4.9 Forecasting

4.10 Prices

4.11 Discount Rate

4.12 Period of Analysis

4.13 Risk and Uncertainty—Sensitivity Analysis

4.14 Documentation

Section V—Inventory and Forecast of Conditions Without a Plan

5.1 Resource Conditions

5.2 Problems and Opportunities

Section VI—Alternative Plans

6.1 General

6.2 Formulation

6.3 The NED Plan

6.4 Other Alternative Plans

Section VII—Accounts

7.1 General

7.2 National Economic Development Account

7.3 Environmental Quality Account

7.4 Regional Economic Development Account

7.5 Other Social Effects Account

Section VIII—Displays

8.1 General

8.2 Content and Format

Section IX—Cost Allocation

9.1 General

9.2 Definitions

9.3 Cost Allocation Standard

9.4 Allocation of Constituent Cost

Section X—Plan Selection

10.1 General

10.2 Selection

Chapter II—National Economic Development (NED) Evaluation Procedures

Chapter III—Environmental Quality (EQ) Evaluation Procedures

Economic and Environmental Guidelines for Water and Related Land Resources Implementation Studies

Chapter I—Standards

Section I—Introduction

1.1 Purpose and Scope

(a) These Guidelines establish standards and procedures for use by Federal agencies in formulating and evaluating alternative plans for water and related land resources implementation studies. These Guidelines implement the Principles for Water and Related Land Resources Implementation Studies.

(b) These Guidelines are for Federal administrative purposes and shall not create any substantive or procedural rights in private parties.

(c) Departures in an individual study from these Guidelines are to be documented and justified in the study report.

(d) Implementation studies are pre- or postauthorization project formulation or evaluation studies undertaken by a Federal agency. Studies for the following agency activities are covered:

- (1) Corps of Engineers (Civil Works) water resources project plans.
- (2) Bureau of Reclamation water resources project plans.
- (3) Tennessee Valley Authority water resources project plans.
- (4) Soil Conservation Service water resources project plans.

(e) These Guidelines establish the basic process for Federal agencies in carrying out implementation studies.

(f) The accounts described in these Guidelines encompass and are consistent with the concept of human environment as used in the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, *et seq.*) and the appropriate portions of the NEPA regulations established by the Council on Environmental Quality (CEQ) in 40 CFR Parts 1500-1508.

1.2 Authority

These Guidelines are established pursuant to Section 103 of the Water Resources Planning Act (Pub. L. 89-80) and Executive Order 11747.

1.3 Applicability

(a) These Guidelines apply to implementation studies completed more than 120 days after issuance of the Guidelines.

(b) Preauthorization or postauthorization studies are considered

completed with the appropriate planning documents have been approved by the responsible agency's field office.

(c) The Administrator of each Federal or Federally assisted program covered is responsible for applying these Guidelines.

Section II—The Federal Objective

(a) The Federal objective of water and related land resources planning is to contribute to national economic development consistent with protecting the Nation's environment, pursuant to national environmental statutes, applicable executive orders, and other Federal planning requirements.

(b) Contributions to national economic development are increases in the net value of the national output of goods and services, expressed in monetary units. Contributions to NED are the direct benefits and costs that accrue in the planning area and the rest of the nation. Contributions to NED include increases in the net value of those goods and services that are marketed, and also of those that may not be marketed.

(c) The Federal objective for the relevant planning setting should be stated in terms of an expressed desire to alleviate problems and realize opportunities related to the output of goods and services or to increased economic efficiency.

(d) Each statement of a problem or opportunity should be expressed in terms of a desired output. Example statements are—

(1) Reduce flood losses in the Red River floodplain to increase agriculture production;

(2) Reduce the cost of agricultural production in the irrigated sector of Tolland County; and

(3) Increase the value of the recreational experience at Lake Zoar.

Section III—Summary of the Planning Process

3.1 Introduction

The planning process consists of a series of steps that identifies or responds to problems and opportunities associated with the Federal objective and specific State and local concerns, and culminates in the selection of a recommended plan. The process involves an orderly a systematic approach to making determinations and decisions at each step so that the interested public and decisionmakers in the planning organization can be fully aware of: the basic assumptions employed; the data and information analyzed; the areas of risk and uncertainty; the reasons and rationales used; and the significant implications of each alternative plan.

3.2 Major Steps

(a) The planning process consists of the following major steps:

- (1) Specification of the water and related lands resources problems and opportunities (relevant to the planning setting) associated with the Federal objective and specific State and local concerns.
- (2) Inventory, forecast, and analysis of water and related land resource conditions within the planning area relevant to the identified problems and opportunities.
- (3) Formulation of alternative plans.
- (4) Evaluation of the effects of the alternative plans.
- (5) Comparison of alternative plans.
- (6) Selection of a recommended plan based upon the comparison of alternative plans.

(b) Plan formulation is a dynamic process with various steps that should be iterated one or more times. This iteration process, which may occur at any step, may sharpen the planning focus or change its emphasis as new data are obtained or as the specification of problems or opportunities changes or becomes more clearly defined.

3.3 Specification of the Problems and Opportunities Associated With the Federal Objective and Specific State and Local Concerns

(a) The desire to alleviate problems and realize opportunities should be specified for the planning area in terms of the Federal objective and specific State and local concerns. The problems and opportunities should be broadly defined so that their definition does not dictate a narrow range of alternatives.

(b) The problems and opportunities should be defined in such a way that meaningful levels of achievement are identified. This will facilitate the formulation of alternative plans in cases in which there may be resource, technical, legislative, or administrative constraints on the total alleviation of a problem or realization of an opportunity.

(c) The problems and opportunities should be stated for both current and future conditions. Desired conditions for the future should be explicitly stated.

(d) The problems and opportunities should reflect the specific effects that are desired by groups and individuals as well as the problems and opportunities declared to be in the national interest by the Congress or the Executive Branch. This identification and detailing of problems and opportunities is the process of making explicit the range of preferences and desires of those affected by resource development. It should be understood that the initial expressions of problems and

opportunities may be modified during the planning process.

3.4 Inventory and Forecast Water and Related Land Resource Conditions

The potential for alleviating problems and realizing opportunities is determined during inventorying and forecasting. The inventory and forecast of resource conditions should be related to the problems and opportunities previously identified.

3.5 Formulation of Alternative Plans

Alternative plans are to be formulated in a systematic manner to insure that all reasonable alternatives are evaluated. Usually, a number of alternative plans are identified early in the planning process and become more refined through additional development and through subsequent iterations. Additional alternative plans may be introduced at any time.

3.6 Evaluation of Effects

(a) General. The evaluation of the effects of each alternative plan consists of assessment and appraisal.

(b) Assessment. Assessment is the process of measuring or estimating the effects of an alternative plan. Assessment determines the difference between without-plan and with-plan conditions for each of the categories of effects.

(c) Appraisal.

(1) Appraisal is the process of assigning social values to the technical information gathered as part of the assessment process.

(2) Since technical data concerning benefits and costs in the NED account are expressed in monetary units, the NED account already contains a weighting of effects; therefore, appraisal is applicable only to the EQ, RED, and OSE accounts.

(d) Displays. The information of evaluation should be displayed according to the directions provided in Section VIII—Displays.

3.7 Comparison of Alternative Plans

(a) The comparison of plans focuses on the differences among the alternative plans as determined in the evaluation phase.

(b) The differences should be organized on the basis of the effects in the four accounts or on a combination of the NED account and another appropriate format for other significant effects.

3.8 Plan Selection

After consideration of the various alternative plans, their effects, and public comments, a plan is selected following the general guidance in Section X—Plan Selection.

Section IV—General Planning Considerations

4.1 Federal-State Relationship in Planning

(a) The responsible Federal planning agency is to contact the Governor or designated agency for each affected State before initiating a study and enter into such agreements as are appropriate to carry out a coordinated planning effort.

(b) The State agency or agencies responsible for water planning are to be provided with appropriate opportunities to participate in defining the problems and opportunities, in scoping the study, and in review and consultation.

4.2 International Consultations

When a federal water project is likely to have a significant impact on any land or resources situated in a foreign country or affect treaty obligations, the responsible federal planning agency, through the Department of State, should enter into consultations with the government of the affected country, with a view to determining the international implications of the project under consideration.

4.3 General Public Participation

(a) Interested and affected agencies, groups, and individuals should be provided opportunities to participate throughout the planning process. The responsible Federal planning agency should contact and solicit participation of: Other Federal agencies; appropriate regional, State, and local agencies; national, regional and local groups; other appropriate groups such as affected Indian tribes; and individuals. A coordinated public participation program should be established with willing agencies and groups.

(b) Efforts to secure public participation should be pursued through appropriate means such as public hearings, public meetings, workshops, information programs, and citizen committees.

4.4 Review and Consultation

Review and consultation with interested and affected agencies, groups, and individuals are needed in the planning process. Reviews are to be consistent with the requirements of the CEQ NEPA regulations (40 CFR Parts 1500-1508). The planning process described in these Guidelines and the CEQ and NEPA regulations are complementary.

4.5 Interdisciplinary Planning

An interdisciplinary approach should be used in planning to ensure the integrated use of the natural and social sciences and the environmental design arts. The disciplines of the planners

should be appropriate to the issues identified in the scoping process. The planning agency should supplement its available expertise, as necessary, with knowledgeable experts from cooperating agencies, universities, consultants, etc.

4.6 Agency Decisionmaking

Decisionmaking is a dynamic process that leads to selection of a recommended plan. Decisionmaking begins at the field level and occurs at different levels through subsequent reviews and approvals as required by the agency until it reaches the level having authority to approve the project (final level). The individual in the responsible planning agency making the decisions at each level is referred to as the "agency decisionmaker." The identity of the agency decisionmaker depends upon the level of project development and review. For projects requiring congressional authorization, the final agency decisionmaker is the Secretary of the Department or head of the independent agency. For projects that do not require congressional approval, the final decisionmaker is the Secretary of the Department, head of the agency, or such other official as appropriately delegated.

4.7 Planning Area

The planning area is a geographic space with an identified boundary that includes:

- (a) The area identified in the study's authorizing document;
- (b) The locations of alternative plans, often called "project areas"; and
- (c) The locations of resources that would be directly, indirectly, or cumulatively affected by alternative plans, often called the "affected area."

4.8 Scoping

(a) Planning should include an early and open process termed "scoping" to identify both the likely significant issues to be addressed and the range of those issues. The agency should begin scoping as soon as practicable after a decision to begin planning. The scoping process should include affected Federal, State, and local agencies and other interested groups or persons. Scoping should be used as appropriate throughout planning to ensure that all significant decisionmaking factors are addressed and that unneeded and extraneous studies are not undertaken.

(b) As part of the scoping process, the agency should:

- (1) Determine the extent to which the likely significant issues will be analyzed.
- (2) Define the planning area based on the problems and opportunities and

the geographic areas likely to be affected by alternative plans.

- (3) Identify and eliminate from detailed study any issues that are not significant or that have been adequately covered by prior study. However, important issues, even though covered by other studies, should still be considered in the analysis.
- (4) Identify any current or future planning that is related to but not part of the study under consideration.
- (5) Identify review and consultation requirements so that cooperating agencies (as defined in 40 CFR 1508.5) may prepare required analyses and studies concurrently with the study under consideration.
- (6) Indicate the tentative planning and decisionmaking schedule.
- (7) Hold an early scoping meeting or meetings. The scoping meetings may be integrated with other early planning meetings.

(c) Scoping may be used to combine or narrow the number of problems and opportunities, measures, plans, effects, etc., under consideration so that meaningful and efficient analysis and choice among alternative plans can occur.

(d) Scoping should include consideration of ground water problems and opportunities, including conjunctive use of ground and surface water, and instream flow needs. Appropriate consideration should be given to existing water rights in scoping the planning effort.

4.9 Forecasting

(a) Formulation and evaluation of alternative plans should be based on the most likely conditions expected to exist in the future with and without the plan. The without-plan condition is the condition expected to prevail if no action is taken. The with-plan condition is the condition expected to prevail with the particular plan under consideration.

(b) The forecasts of with- and without-plan conditions should use the inventory of existing conditions as the baseline, and should be based on consideration of the following (including direct, indirect, and cumulative effects)—

- (1) National/regional projections of income, employment, output, and population prepared and published by the Department of Commerce.
- (2) Other aggregate projects such as exports, land use trends, and amounts of goods and services likely to be demanded;
- (3) Expected environmental conditions; and

(4) Specific, authoritative projections for small areas.

Appropriate national and regional projections should be used as an underlying forecasting framework, and inconsistencies therewith, while permissible, should be documented and justified.

(c) National projections used in planning are to be based on a full employment economy. In this context, assumption of a full employment economy establishes a rationale for general use of market prices in estimating economic benefits and costs, but does not preclude consideration of special analyses of regions with high rates of unemployment and underemployment in calculating benefits from using unemployed and underemployed labor resources.

(d) National and State environmental and health standards and regulations should be recognized and appropriately considered in scoping the planning effort. Standards and regulations concerning water quality, air quality, public health, wetlands protection, and floodplain management should be given specific consideration in forecasting the without-plan condition.

(e) Other plans that have been adopted for the planning area and other current planning efforts should be considered.

(f) Forecasts should be made for selected years over the period of analysis to indicate how changes in economic and other conditions are likely to have an impact on problems and opportunities.

4.10 Prices

(a) Relative price relationships for outputs and inputs prevailing during or immediately preceding the period of planning are generally to be used to represent the price relationships expected over the period of analysis, unless specific considerations indicate real exchange values are expected to change.

(b) The general level of prices for outputs and inputs prevailing during or immediately preceding the period of planning is to be used for the entire period of analysis. Deviation is permitted only to the extent that specific price changes reflecting changes in real values need not be accompanied by an offsetting adjustment of other prices.

4.11 Discount Rate

Discounting is to be used to convert future monetary values to present values. The discount rate to be used for the formulation and economic evaluation of plans for water and related land resources will be published by the Water Resources Council.

4.12 Period of Analysis

(a) The period of analysis is to be the same for each alternative plan. The period of analysis is to be the time required for implementation plus the lesser of—

- (1) The period of time over which any alternative plan would have significant beneficial or adverse effects; or
- (2) A period not to exceed 100 years.

(b) Appropriate consideration should be given to environmental factors that may extend beyond the period of analysis.

4.13 Risk and Uncertainty—Sensitivity Analysis

(a) Plans and their effects should be examined to determine the uncertainty inherent in the data or various assumptions of future economic, demographic, social, attitudinal, environmental, and technological trends. A limited number of reasonable alternative forecasts that would, if realized, appreciably affect plan design should be considered.

(b) The planner's primary role in dealing with risk and uncertainty is to identify the areas of sensitivity and described them clearly so that decisions can be made with knowledge of the degree of reliability of available information.

(c) Situations of risk are defined as those in which the potential outcomes can be described in reasonably well-known probability distributions such as the probability of particular flood events. Situations of uncertainty are defined as those in which potential outcomes cannot be described in objectively known probability distributions.

(d) Risk and uncertainty arise from measurement errors and from the underlying variability of complex natural, social, and economic situations. Methods of dealing with risk and uncertainty include:

- (1) Collecting more detailed data to reduce measurement error.
- (2) Using more refined analytic techniques.
- (3) Increasing safety factors in design.
- (4) Selecting measures with better known performance characteristics.
- (5) Reducing the irreversible or irretrievable commitments of resources.
- (6) Performing a sensitivity analysis of the estimated benefits and costs of alternative plans.

Reducing risk and uncertainty may involve increased costs or loss of benefits. The advantages and costs of reducing risk and uncertainty should be considered in the planning process.

4.14 Documentation

Planning studies are to be documented in a clear, concise manner that explains the basic decisions that were made and the reasons for them. The documentation should be prepared in a manner to expedite review.

Section V—Inventory and Forecast on Conditions Without a Plan

5.1 Resource Conditions

(a) An inventory should be made to determine the quantity and quality of water and related land resources of the planning area and to identify opportunities for protection and enhancement of those resources. The inventory should include data appropriate to the identified problems and opportunities, as determined by scoping, and the potential for formulating and evaluating alternative plans. The inventory does not necessarily include an exhaustive listing of resources of the area. This inventory should describe the existing conditions and should be the baseline for forecasting with- and without-plan conditions.

(b) The most likely future condition without a plan should be used for evaluating the effects of alternative plans.

5.2 Problems and Opportunities

(a) Inventory and forecasting should include an analysis of the identified problems and opportunities and their implications on the planning setting. This analysis should be used to redefine the specific problems and opportunities associated with the Federal objective and other State and local concerns.

(b) Based on this analysis, an appraisal should be made of the potential for alleviating the problems and realizing the opportunities. The appraisal provides guidance on the possible scope and magnitude of actions needed to address each problem or opportunity. This appraisal should identify possibilities for management, development, preservation, and other opportunities for action. Resource inventories and forecasts may suggest additional problems or opportunities. These possibilities will indicate the resource capabilities relative to specific commodities, services, or environmental amenities desired by the public. By proper selection of these development or management possibilities, alternatives may be formulated for each problem or opportunity.

Section VI—Alternative Plans

6.1 General

(a) An alternative plan consists of a system of structural and/or

nonstructural measures, strategies, or programs formulated to alleviate specific problems or take advantage of specific opportunities associated with water and related land resources in the planning area.

(b) Alternative plans should be significantly differentiated from each other.

(c) Alternative plans should not be limited to those the Federal planning agency could implement directly under current authorities. Plans that could be implemented under the authorities of other federal agencies, State and local entities, and nongovernment interests should also be considered.

(d) Alternative plans may either—

- (1) Be in compliance with existing statutes, administrative regulations, and established common law; or
- (2) Propose necessary changes in such statutes, regulations, or common law.

(e) A range of measures that can, over time, balance water demand for various purposes with water availability should be considered, including measures that will—

- (1) Reduce the demand for water;
- (2) Improve efficiency in use and reduce losses and waste;
- (3) Improve land management practices to conserve water; and/or
- (4) Increase the supply of water.

(f) Nonstructural measures should be considered as means for addressing problems and opportunities.

(1) Nonstructural measures are complete or partial alternatives to traditional structural measures. Nonstructural measures include modifications in public policy, management practice, regulatory policy, and pricing policy.

(2) A nonstructural measure or measures may in some cases offer a complete alternative to a traditional structural measure or measures. In other cases, nonstructural measures may be combined with fewer or smaller traditional structural measures to produce a complete alternative plan.

(g) Protection of the Nation's environment is to be provided by mitigation (as defined in 40 CFR 1508.20) of the adverse effects (as defined in 40 CFR 1508.8) of each alternative plan. Accordingly, each alternative plan should include mitigation determined to be appropriate by the agency decisionmaker.

- (1) Appropriate mitigation to address effects on fish and wildlife and their habitat should be determined in coordination with Federal and State fish and wildlife agencies in accordance with the Fish and Wildlife Coordination Act of 1958 (16 U.S.C. 661-664).
- (2) Appropriate mitigation to address other adverse effects should be

determined in accordance with applicable laws, regulations and Executive Orders.

(3) Mitigation measures determined to be appropriate should be planned for concurrent implementation with other major project features, where practical.

(h) Other existing water and related land resources plans, such as State water resources plans, should be considered as alternative plans if within the scope of the planning effort.

(i) Various schedules for implementing alternative plans should be considered.

6.2 Formulation

(a) Alternative plans which contribute to the Federal objective should be systematically formulated. In addition to a plan which reasonably maximizes contributions to NED, other plans may be formulated which reduce net NED benefits in order to further address other Federal, State, local, and international concerns not fully addressed by the NED plan. These additional plans should be formulated in order to allow the decisionmaker the opportunity to judge whether these beneficial effects outweigh the corresponding NED losses.

(b) In general, in the formulation of alternative plans, an effort is made to include only increments that provide net beneficial NED effects. However, incremental measures which do not provide net NED benefits may be included, except in the NED plan, if they are cost-effective measures for addressing other specific concerns.

(c) Alternative plans, including the NED plan, should be formulated in consideration of four criteria: Completeness; effectiveness; efficiency; and acceptability.

- (1) Completeness is the extent to which a given alternative plan provides and accounts for all necessary investments or other actions to ensure the realization of the planned effects. This may require relating the plan to other types of public or private plans if the other plans are crucial to realization of the contributions to the objective.
- (2) Effectiveness is the extent to which an alternative plan alleviates the specified problems and achieves the specified opportunities.
- (3) Efficiency is the extent to which an alternative plan is the most cost effective means of alleviating the specified problems and realizing the specified opportunities.
- (4) Acceptability is the workability and viability of the alternative plan with respect to acceptance by State and local entities and the public and compatibility with existing laws, regulations, and public policies.

6.3 The NED Plan

A plan that reasonably maximizes net national economic development benefits, consistent with the Federal objective, is to be formulated. This plan is to be identified as the national economic development plan.

6.4 Other Alternative Plans

(a) Other alternative plans should be formulated to adequately explore opportunities to address other Federal, State, local, and international concerns not fully addressed by the NED plan.

(b) The number and variety of alternative plans should be governed by—

- (1) The problems and opportunities associated with the water and related land resources in the study area;
- (2) The overall resource capabilities of the study area;
- (3) The available alternative measures; and
- (4) Preferences of and conflicts among State and local entities and different segments of the public.

(c) When institutional barriers would prevent implementation of an economically attractive plan, alternative plans which include removal of those barriers should be presented.

Section VII—Accounts

7.1 General

(a) Four accounts are established to facilitate evaluation and display of the effects of candidate plans. These accounts are: national economic development (NED), environmental quality (EQ), regional economic development (RED), and other social effects (OSE). These four accounts encompass all significant effects of a plan on the human environment as required by the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). They also encompass social well-being as required by Section 122 of the Flood Control Act of 1970 (Pub. L. 91-611, 84 Stat. 1823). The EQ account shows effects on ecological, cultural, and aesthetic attributes of significant natural and cultural resources that cannot be measured in monetary terms. The OSE account shows urban and community impacts and effects on life, health and safety. The NED account shows effects on the national economy. The RED account shows the regional incidence of NED effects, income transfers, and employment effects.

(b) The NED account is the only required account. Other information that is required by law or that will have a material bearing on the decisionmaking process should be included in the other accounts (EQ, RED, and OSE) or in some

other appropriate format used to organize information on effects.

(c) The same effect may be shown only once within a given account except that the OSE account may show the incidence of an effect from more than one point of view. Beyond this exception, claiming the same benefit, cost, change in a resource attribute, or effect more than once in a given account would constitute double counting.

(d) Relationships between short-term use of the human environment and the maintenance and enhancement of long-term productivity should be displayed. Any irreversible or irretrievable commitments of resources should be displayed.

(e) Effects on the values and attributes of ground water and instream flow should be displayed.

(f) Effects of an alternative plan in the displays are the differences between the forecasted conditions with the plan and forecasted conditions without the plan.

(g) Effects in the NED account are to be expressed in monetary units. EQ effects are to be expressed in appropriate numeric units or non-numeric terms. RED and OSE effects are to be expressed in monetary units, other numeric units, or non-numeric terms.

(h) Monetary values are to be expressed in average annual equivalents by appropriate discounting and annualizing techniques using the applicable discount rate.

7.2 National Economic Development Account

(a) General.

(1) The NED account describes that part of the NEPA human environment, as defined in 40 CFR 1508.14, that identifies beneficial and adverse effects on the economy.

(2) Beneficial effects in the NED account are increases in the economic value of the national output of goods and services from a plan; the value of output resulting from external economies caused by a plan; and the value associated with the use of otherwise unemployed or under-employed labor resources.

(3) Adverse effects in the NED account are the opportunity costs of resources used in implementing a plan. These adverse effects include: Implementation outlays; associated costs; other direct costs; and external diseconomies.

(4) Procedures which should be used for evaluating NED effects are in Chapter 2 of these Guidelines.

(i) When an alternative procedure provides a more accurate estimate of a benefit, the alternative estimate may also be shown if the procedure is documented.

(ii) Steps in a procedure may be abbreviated by reducing the extent of the analysis and amount of data collected where greater accuracy or detail is clearly not justified by the cost of the plan components being analyzed. The steps abbreviated and the reason for abbreviation should be documented.

(iii) Proposals for additions to or changes in the procedures in Chapter 2 may be made when an agency head determines that the new technique will improve plan formulation and evaluation. These proposals are to be submitted to the Water Resources Council for review and approval for inclusion in Chapter 2. Procedures which represent changes in established policy are to be referred to the Cabinet Council on Natural Resources and Environment for its consideration.

(b) Goods and services: General measurement standard. The general measurement standards of the value of goods and services is defined as the willingness of users to pay for each increment of output from a plan. Such a value would be obtained if the "seller" of the output were able to apply a variable unit price and charge each user and individual price to capture the full value of the output to the user. Since it is not possible in most instances for the planner to measure the actual demand situation, four alternative techniques can be used to obtain and estimate of the total value of the output of a plan: Willingness to pay based on actual or simulated market price; change in net income; cost of the most likely alternative; and administratively established values.

(1) Actual or simulated market price. If the additional output from a plan is too small to have a significant effect on price, actual or simulated market price will closely approximate the total value of the output and may be used to estimate willingness to pay. If the additional output is expected to have a significant effect on market price and if the price cannot be estimated for each increment of the change in output, a price midway between the price expected with and without the plan may be used to estimate the total value.

(2) Change in net income. The value of the change in output of intermediate goods and services from a plan is measured by their total value as inputs to producers. The total value of intermediate goods or services to producers is properly measured as the increase in net income received without a plan. Net income is defined

as the market value of producers' outputs less the market value of producers' inputs exclusive of the cost of the intermediate goods or services from a plan. Increased net income from reduced cost of maintaining a given level of output is considered a benefit since released resources will be available for production of other goods and services.

(3) Cost of the most likely alternative. The cost of the most likely alternative may be used to estimate NED benefits for a particular output if non-Federal entities are likely to provide a similar output in the absence of any of the alternative plans under consideration and if NED benefits cannot be estimated from market price or change in net income. This assumes, of course, that society would in fact undertake the alternative means. Estimates of benefit should be based on the cost of the most likely alternative only if there is evidence that the alternative would be implemented. In determining the most likely alternative, the planner should give adequate consideration to nonstructural and demand management measures as well as structural measures.

(4) Administratively established values. Administratively established values are proxy values for specific goods and services cooperatively established by the water resources agencies. An example of administratively established values is the range of unit-day values for recreation.

(c) Goods and Services: Categories. The NED account includes goods and services in the following categories:

- (1) Municipal and industrial (M&I) water supply
- (2) Agricultural floodwater, erosion and sedimentation reduction
- (3) Agricultural drainage
- (4) Agricultural irrigation
- (5) Urban flood damage reduction
- (6) Power (hydropower)
- (7) Transportation (inland navigation)
- (8) Transportation (deep draft navigation)
- (9) Recreation
- (10) Commercial fishing
- (11) Other categories of benefits for which procedures are documented in the planning report and which are in accordance with the general measurement standards in paragraph (b) of this section.

(d) External economies.

(1) The external economies in the NED benefit evaluation are the incidental and unintended direct effects of a project that increase economic efficiency and are not otherwise

- accounted for in the evaluation of the plan or project. In this sense, the pertinent external economies are "external" to the plan or project. Pertinent external economies involve a technical or physical relationship. For example, a project planned only for flood damage reduction and hydropower purposes might reduce downstream water treatment costs; this reduction in costs would be shown as an external economy in the NED account.
- (2) The external economies in the NED account do not include decreases in the price of products or services resulting from the plan or changes in the prices of related goods and services.
- (e) Use of otherwise unemployed or underemployed labor resources.
- (1) If otherwise unemployed or underemployed labor resources are used in implementing a plan, the social cost of implementation is less than the financial cost. The opportunity cost of employing otherwise unemployed workers is conceptually equal to the value of leisure time foregone by such workers but may be assigned a zero value since there is no generally accepted procedure for measuring the value of leisure time. The opportunity cost of employing otherwise under employed workers is equal to earnings under the without plan conditions.
- (2) Conceptually, the effects of the use of unemployed or underemployed labor resources should be treated as an adjustment to the adverse effects of a plan on national economic development. Since this approach leads to difficulties in cost allocation and cost sharing calculations, the effects from the use of such labor resources are to be treated as an addition to the benefits resulting from a plan.
- (3) Beneficial effects from the use of unemployed or underemployed labor resources are limited to labor employed on site in the construction or installation of a plan. This limitation reflects identification and measurement problems and the requirement that national projections are to be based on a full employment economy.
- (4) If the planning region has substantial and persistent unemployment and these labor resources will be employed or more effectively employed in installation of the plan, the net additional payments to the unemployed and underemployed labor resources are defined as a benefit.
- (f) Adverse NED effects: Measurement standards.
- (1) In evaluating NED costs, resource use is broadly defined to include all aspects of the economic value of the resource. This broad definition requires consideration of the direct private and public uses that producers and consumers are currently making of available resources or are expected to make of them in the future.
- (2) If market prices reflect the full economic value of a resource to society, they are to be used to determine NED costs. If market prices do not reflect these values, then an estimate of the external diseconomies should be included in the NED costs.
- (3) NED costs may reflect allowance for the salvage value of land, equipment, and facilities that would have value at the end of the period of analysis.
- (g) NED cost categories. For convenience of measurement and analysis, NED costs should be classified as implementation outlays, associated costs, other direct costs, and external diseconomies.
- (1) Implementation outlays. The NED costs of implementation include the outlays incurred by the responsible Federal entity and by other Federal or non-Federal entities for implementation of the plan in accordance with sound management principles. These costs do not include transfer payments such as replacement housing assistance payments as specified in 42 U.S.C. 4623 and 4624.
- (2) Associated costs. These are the costs in addition to implementation outlays for measures needed to achieve the benefits claimed during the period of analysis. For example, associated costs would include the cost of irrigation water supply laterals if they are not accounted for in the benefit estimate.
- (3) Other direct costs. These are the costs of resources directly required for a project or plan, but for which no financial outlays are made. For example, other direct costs would include displaced public recreational use at a project site.
- (4) External diseconomies. These costs are uncompensated, unmitigated, off-site NED losses caused by the installation, operation, maintenance, or replacement of project or plan measures. Examples of external diseconomies include increased downstream flood damages caused by channel modifications, dikes, or the drainage of wetlands, and increased water supply treatment costs caused by irrigation return flows.
- (a) General.
- (1) The EQ account is a means of displaying and integrating into water resources planning that information on the effects of alternative plans on significant EQ resources and attributes of the NEPA human environment, as defined in 40 CFR 1507.14, that is essential to a reasoned choice among alternative plans.
- (2) Beneficial effects in the EQ account are favorable changes in the ecological, aesthetic, and cultural attributes of natural and cultural resources.
- (3) Adverse effects in the EQ account are unfavorable changes in the ecological, aesthetic, and cultural attributes of natural and cultural resources.
- (4) A suggested procedure which may be used for evaluating effects included in the EQ account appears in Chapter 3 of these Guidelines.
- (b) Significant EQ resources and attributes.
- (1) An EQ resource is a natural or cultural form, process system, or other phenomenon that—
- (i) Is related to land, water, atmosphere, plants, animals, or historic or cultural objects.
- (ii) Has one or more EQ attributes (ecological, cultural, aesthetic).
- (2) EQ attributes are the ecological, cultural, and aesthetic properties of natural and cultural resources that sustain and enrich human life.
- (i) Ecological attributes are components of the environment and the interactions among all its living (including people) and nonliving components that directly or indirectly sustain dynamic, diverse, viable ecosystems. In this category are functional and structural aspects that require special consideration because of their unusual characteristics.
- (ii) Cultural attributes are evidence of past and present habitation that can be used to reconstruct or preserve human lifeways. Included in this category are structures, sites, artifacts, environments, and other relevant information, and the physical contexts in which these occur.
- (iii) Aesthetic attributes are perceptual stimuli that provide diverse and pleasant surroundings for human enjoyment and appreciation. Included in this category are sights, sounds, scents, tastes, and tactile impressions, and the interactions of these sensations, of natural and cultural resources.

7.3 Environmental Quality Account

(3) Significant EQ resources and attributes should be identified based on institutional, public, and technical recognition. Significant means likely to have a material bearing on the decisionmaking process.

(c) Significant effects.

- (1) An effect on an EQ resource occurs whenever estimates of future with- and without-plan conditions of the resource are different.
 - (2) An effect may be described in terms of duration, frequency, location, magnitude, and other characteristics, such as reversibility, retrievability, and the relationships to long-term productivity, where their description is relevant and useful to decisionmaking.
 - (3) The significance of an effect may be established based on institutional, public, and technical recognition.
- (d) There should be an overall summary of significant beneficial and adverse effects on EQ resources.

7.4 Regional Economic Development Account

(a) General.

- (1) The RED account registers changes in the distribution of regional economic activity that result from each alternative plan. Two measures of the effects of the plan on regional economies are used in the account: Regional income and regional employment.
 - (2) The regions used for RED analysis are those regions within which the plan will have particularly significant income and employment effects. Effects of a plan not occurring in the significantly affected regions are to be placed in a "rest of nation" category.
 - (3) Effects that cannot be satisfactorily quantified or described with available methods, data, and information or that will not have a material bearing on the decisionmaking process may be excluded from the RED account.
- (b) Positive effects on regional economic development.

(1) Regional income. The positive effects of a plan on a region's income are equal to the sum of the NED benefits that accrue to that region, plus transfers of income to the region from outside the region.

(i) Regional incidence of NED benefits. Because of the definition of region used for the RED account, all or almost all of the NED benefits for the plan will accrue to that region, plus transfers of income to the region from outside the region.

(ii) Transfers. Income transfers to a region as a result of a plan include income from: Implementation outlays, transfers of basic economic

activity indirect effects, and included effects. In each case income transfers refer to increases in net income within the region rather than to increases in total expenditure.

(A) Income from implementation outlays is that portion of project outlays that becomes net income in the regional economy, exclusive of NED benefits from use of otherwise unemployed or underemployed labor resources.

(B) Income from transfers of basic economic activity is net income from economic activity that locates in the region as a direct result of differences between the with- and without-plan conditions.

(C) Income from indirect effects is regional net income resulting from expansion in the production of inputs to industries supplying increased final products and regional exports.

(D) Income from induced effects is regional net income resulting from changes in consumption expenditures generated by increases in personal income.

(2) Regional employment.

(i) The positive effects of a plan on regional employment are directly parallel to the positive effects on regional income, so that analysis of regional employment effects should be organized in the same categories using the same conceptual bases as the analysis of positive regional income effects. Regional employment associated with each of the regional income categories should be calculated and listed accordingly.

(ii) To the extent practical, planning reports should provide reasonable estimates of the composition of increased employment according to relevant service, trade, and industrial sectors, including a separate estimate for agriculture. The nature of the employment increase to each sector should be classified as to the level of skill required—unskilled, semiskilled, and highly skilled.

(c) Negative effects on regional economic development.

(1) Regional income. The negative effects of a plan on a region's net income are equal to the sum of the NED costs of the plan that are borne by the region, plus transfers of income from the region to the rest of the Nation.

(i) Regional incidence of NED costs.

The NED costs of a plan that are borne by a region should be organized in the same categories

used in the cost section of the NED account. Information from the cost allocation and cost sharing analysis undertaken as a part of the planning process will be needed to estimate these direct expenditures.

(ii) Transfers. Income transfers from the region include net income losses from plan-induced shifts of economic activity from the region to the rest of the Nation and losses in existing transfer payments, plus any impacts that may affect the region as a result of NED costs or transfers from the region.

(2) Regional employment.

(i) The negative effects of a plan on regional employment should be organized and analyzed using the same categories and conceptual bases used for negative regional income effects (paragraph (c)(1) of this section).

(ii) The incidence of negative regional employment effects should be shown in a manner similar to that required for the positive regional employment effects.

(d) Relationship between RED and NED effects. Income information in the RED account should be organized in the same categories as the NED effects. The relationship between the affected regional economies and the national economy should be recognized. Since the NED account registers all effects on the national economy, any differences between the regional and national economic effects of a plan take the form of transfers from the rest of Nation. The effects of these transfers are to be listed in a "rest of Nation" category are to be equal to the difference between the RED effects and NED effects of a plan. This rest of nation category is to be displayed in the RED account together with the RED and NED effects.

7.5 Other Social Effects Account

(a) General.

(1) The OSE account is a means of displaying and integrating into water resource planning information on alternative plan effects from perspectives that are not reflected in the other three accounts. The categories of effects in the OSE account include the following: Urban and community impacts; life, health, and safety factors; displacement; long-term productivity; and energy requirements and energy conservation.

(2) Effects may be evaluated in terms of their impacts on the separate regions and communities affected.

(3) Effects on income, employment, and population distribution, fiscal condition, energy requirements, and energy conservation may be reported on a positive or negative basis. Effects on life, health, and safety may be reported as either beneficial or adverse. Other effects may be reported on either a positive/negative basis or a beneficial/adverse basis.

(4) Effects that cannot be satisfactorily quantified or described with available methods, data, and information or that will not have a material bearing on the decisionmaking process may be excluded from the OSE account.

(b) Urban and community impacts.

(1) A formal treatment of urban related impacts is not required for implementation studies. However, types and locations of significant impacts, broken down by salient population groups and geographic areas, may be reported in the OSE account.

(2) The principal types of urban and community impacts are—
 (i) Income distribution;
 (ii) Employment distribution, especially the share to minorities;
 (iii) Population distribution and composition;
 (iv) The fiscal condition of the State and local governments; and
 (v) The quality of community life.

(c) Life, health, and safety. Effects in this category include such items as risk of flood, drought, or other disaster affecting the security of life, health, and safety; potential loss of life, property, and essential public services due to structural failure; and other environmental effects such as changes in air or water quality not reported in the NED and EQ accounts.

(d) Displacement. Effects in this category include the displacement of people, businesses, and farms.

(e) Long-term productivity. Effects in this category include maintenance and enhancement of the productivity of renewable resources, such as agricultural land, for use by future generations.

Section VIII—Displays

8.1 General

(a) Displays are graphs, tables, drawings, photographs, summary statements, and other graphics in a format that facilitates the analysis and comparison of alternative plans. Concise, understandable displays are helpful during the planning process and provide documentation in compliance with NEPA.

(b) Displays should facilitate the evaluation and comparison of alternative plans necessary to make the following determination:

(1) The effectiveness of given plans in solving the problems and taking advantage of the opportunities identified in the planning process.

(2) What must be given up in monetary and nonmonetary terms to enjoy the benefits of the various alternative plans.

(3) The differences among alternative plans.

8.2 Content and Format

The content and format of the displays should be determined by the planning agency according to the following guidance:

(a) Existing and forecasted resource conditions without any of the alternative plans and the problems and opportunities related to the planning setting should be reported.

TABLE 8.2.—EFFECTS OF THE RECOMMENDED PLAN ON NATURAL AND CULTURAL RESOURCES

Types of resources	Authorities	Measurement of effects ¹
Air quality	Clean Air Act, as amended (42 U.S.C. 1857h-7 <i>et seq.</i>)	(Enter area, in square miles, where State air quality classifications would change for each affected classification.)
Areas of particular concern within the coastal zone.	Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 <i>et seq.</i>)	(Enter gains and losses, in appropriate units.)
Endangered and threatened species critical habitat.	Endangered Species Act of 1973, as amended (16 U.S.C. 1531 <i>et seq.</i>)	(Enter area of each critical habitat type gained and lost, in acres.)
Fish and Wildlife habitat.	Fish and Wildlife Coordination Act (16 U.S.C. 661 <i>et seq.</i>)	(Enter area of each habitat type gained and lost, in acres.)
Floodplains.....	Executive Order 11988, Floodplain Management.	(Enter area gained and lost, in acres.)
Historic and cultural properties.	National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 <i>et seq.</i>)	(Enter number and type of National Register (listed or eligible) properties affected.)
Prime and Unique farmland.	CEO Memorandum of August 1, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act.	(Enter area of each farmland type gained and lost, in acres.)

TABLE 8.2.—EFFECTS OF THE RECOMMENDED PLAN ON NATURAL AND CULTURAL RESOURCES—Continued

Types of resources	Authorities	Measurement of effects ¹
Water quality.....	Clean Water Act of 1977, as amended (33 U.S.C. 1251 <i>et seq.</i>)	(Enter length in miles for water course, and area in acres for water bodies, where State water quality classifications would change for each affected classification.)
Wetlands.....	Executive Order 11990, Protection of Wetlands; Clean Water Act of 1977, as amended (42 U.S.C. 1857h-7 <i>et seq.</i>)	(Enter area of each wetland type gained and lost, in acres.)
Wild and Scenic Rivers.	Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271 <i>et seq.</i>)	(Enter length of each river type gained and lost, in miles.)

¹ If a type of resource is not present in the planning area, enter "Not present in planning area." If a type of resource is not affected, enter "No effect."

(b) Displays regarding reasonable alternatives, including those required by NEPA, should include the following items:

- (1) Measures in each plan.
- (2) Effects in the NED account.
- (3) Other effects, when shown in either the EQ, RED, and OSE accounts, or in some other appropriate format.

(c) For the recommended plan, an aggregate display of effects on natural and cultural resources, in the format of Table 8.2, should be included.

(d) A matrix shall be included which shows all existing or expected Federal and non-Federal projects or facilities having significant economic, environmental, or physical interactions with the recommended plan together with a brief narrative description of these interactions.

(e) Alternative actions that were considered but were not developed into plans should be described briefly. The descriptions should include the measures and effects and the reasons for not proceeding further.

Section IX—Cost Allocation

9.1 General

(a) The need for cost allocation stems from pricing and cost-sharing policies that vary among purposes. Purposes are defined in either generic or specific authorizing statutes. Cost allocation is the process of apportioning total project financial costs among purposes served by a plan. Costs are to be allocated only

to purposes for which Federal or non-Federal participants in plan implementation have cost-sharing authority unless the plan proposes a change in cost-sharing policy. Cost allocation among purposes and the apportionment of cost shares to Federal and non-Federal public and private interests are necessary for preparation of RED and OSE accounts.

(b) Financial costs are implementation outlays plus transfer payments such as replacement housing assistance payments as specified in 42 U.S.C. 4623 and 4624.

(c) Financial costs are to be allocated to those purposes intentionally served by a plan. By definition, purposes do not include external economies and use of otherwise unemployed or underemployed labor resources. All purposes are to be treated comparably.

9.2 Definitions

(a) Separable cost for each purpose in a plan is the reduction in financial cost that would result if that purpose were excluded from the plan. This reduction in cost includes—

- (1) The cost of facilities and activities serving only the excluded purpose; and
- (2) Reductions in the cost of facilities and activities serving multiple purposes.

(b) Joint cost is the total financial cost for a plan minus the sum of separable costs for all purposes.

(c) Alternative cost for each purpose is the financial cost of achieving the same or equivalent benefits with a single-purpose plan.

(d) Remaining benefit for each purpose is the amount, if any, by which the NED benefit or, when appropriate, the alternative cost exceeds the separable cost for that purpose. The use of alternative cost is appropriate when alternative cost for the purpose is less than the NED benefit.

9.3 Cost Allocation Standard

Costs allocated to each purpose are the sum of the separable cost for the purpose and a share of joint cost as specified below:

- (a) Joint cost may be allocated among purposes in proportion to remaining benefits.
- (b) Joint cost may be allocated in proportion to the use of facilities, provided that the sum of allocated joint cost and separable cost for any purpose does not exceed the lesser of the benefit or the alternative cost for that purpose.
- (c) If joint cost exceeds the sum of remaining benefits and if allocation of joint cost under the provisions of paragraph (b) of this section is not possible, joint cost is to be allocated by an alternative method that is judged to provide a more equitable distribution.

9.4 Allocation of Constituent Cost

(a) Cost-sharing policies for some purposes pertain to cost constituents such as land costs, construction costs, and operation and maintenance costs. Costs for each cost constituent specified in the relevant cost-sharing policy should be allocated among purposes.

Section X—Plan Selection

10.1 General

The planning process leads to the identification of alternative plans that could be recommended or selected. The culmination of the planning process is the selection of the recommended plan or the decision to take no action. The selection should be based on a comparison of the effects of alternative plans. (See Section 8.2—Alternative Plans, Formulation.)

10.2 Selection

(a) The plan with the greatest net economic benefit is to be selected unless the Secretary of a department or head of an independent agency grants an

exception when there is some overriding reason for selecting another plan, based upon other Federal, State, local, and international concerns.

(b) The alternative of taking no action, i.e., selecting none of the alternative plans, should be fully considered.

(c) Selection of the recommended plan should be made by the agency decisionmaker for Federal projects and by State or local sponsors for Federally-assisted projects.

(d) The basis for selection of the recommended plan should be fully reported, including considerations used in the selection process.

(e) Plans should not be recommended for Federal development if they would physically or economically preclude non-Federal plans that would likely be undertaken in the absence of the Federal plan and that would more effectively contribute to the Federal objective when comparably evaluated.

Chapter II—National Economic Development (NED) Evaluation Procedures

(The contents of this chapter may be found at 18 CFR Part 713, 44 FR p. 72892, December 14, 1979, and at 45 FR p. 64448, September 29, 1980. The proposed action is to repeal the NED procedures as rules and republish them unchanged as administrative guidelines to be used by affected federal agencies.)

Chapter III—Environmental Quality (EQ) Evaluation Procedures

(The contents of this chapter may be found at 18 CFR Part 714, 45 FR p. 64402, September 29, 1980. The proposed action is to repeal the EQ procedures as rules and republish them unchanged as one alternative evaluation system which may be used by affected federal agencies.)

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Federal Register

**Monday
March 22, 1982**

Part VI

**Department of the
Interior**

**Office of Surface Mining Reclamation and
Enforcement**

**Prime Farmland; Interim and Permanent
Regulatory Programs**

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 716 and 785

Prime Farmland; Interim and Permanent Regulatory Programs

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

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement is proposing for public comment rules which would place a temporal limit on the prime farmland grandfather exemption contained in section 510(d) of the Surface Mining Control and Reclamation Act of 1977. Pursuant to the proposed rules, the exemption could be terminated as early as August 1982. This action is being taken in response to public request.

DATES:

Written comments: Accepted until 5 p.m. (eastern time) on April 21, 1982.

Public hearings: Held on request only, on April 15, 1982, at 9:30 a.m. (local), except that the hearing in Washington, D.C., will start at 9:00 a.m.

Public meetings: Scheduled on request only.

ADDRESSES:

Written comments: Hand-deliver to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.05), Room 5315, 1100 L Street NW., Washington, D.C.; or mail to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record (TSR 14.05), Room 5315L, 1951 Constitution Avenue NW., Washington, D.C. 20240.

Public hearings: Washington, D.C.—Department of the Interior Auditorium, 18th and C Streets NW.; Springfield, Illinois—Illinois Dept. of Transportation Auditorium, 2300 South Dirksen Parkway.

Public meetings: OSM offices in Washington, D.C.; Charleston, W. Va.; Knoxville, Tenn.; Indianapolis, Ind.; Pittsburgh, Pa.; and Denver, Colo.

FOR FURTHER INFORMATION CONTACT:

Public hearings and information: Donald F. Smith, Division of Technical Assistance, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; 202-343-5954.

Public meetings: Jose del Rio, 202-343-4022.

SUPPLEMENTARY INFORMATION:

- I. Public Commenting Procedures.
- II. Background.

- III. Discussion of Proposed Rules.
- IV. Procedural Matters.

I. Public Commenting Procedures*Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Commenters are requested to submit five copies of their comments (see "Addresses"). Comments received after the time indicated under "Dates" or at locations other than Washington, D.C., will not necessarily be considered or be included in the Administrative Record for the final rulemaking.

Public Hearings

Persons wishing to comment at the public hearings should contact the person listed under "For Further Information Contact" by the close of business *three working days* before the date of the hearing. If no one requests to comment at a public hearing at a particular location by that date, the hearing will not be held. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

Public hearings will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

Public Meetings

Persons wishing to meet with OSM representatives to discuss these proposed rules may request a meeting at any of the OSM offices listed in "Addresses" by contacting the person listed under "For Further Information Contact."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record room (1100 L St.). A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

The Office of Surface Mining's (OSM) implementation of the prime farmland grandfather clause has a lengthy history of rulemaking, and several pertinent court decisions have been issued. All of the background is briefly described below and citations to relevant Federal Register notices and court decisions are included. Members of the public are encouraged to review these related documents in order to obtain the complete history and background of prime farmland grandfather issues.

Statutory Background

Section 510(d)(1) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201 *et seq.*, establishes special performance standards for mining operations which are conducted on prime farmland areas. That section requires operators on prime farmland to show that they have the technological capability to restore the mined area, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management before the regulatory authority may approve a permit which allows mining of those lands. The performance standards which an operator on prime farmlands must meet include special soil handling and reconstruction standards and special productivity standards. See sections 510, 515(b)(7) and 519(c)(2) of the Surface Mining Act.

Congress exempted certain operations from these special requirements under an exemption clause in section 510(d)(2) of the Surface Mining Act. That section provides: "Nothing in this subsection shall apply to any permit issued prior to the date of enactment of this Act, or to any revisions or renewals thereof, or to any existing surface mining operations for which a permit was issued prior to the date of enactment of this Act." This is the so-called grandfather clause exemption.

Regulatory Background and Court Cases

The grandfather exemption was implemented in the initial regulations of OSM at 30 CFR 716.7(a)(2). 42 FR 62639, 62693 (December 13, 1977). This regulation was intended "to allow permit renewals or revisions to include expansions of existing operations" under certain circumstances. 42 FR 62661 (December 13, 1977).

The permanent program regulation, 30 CFR 785.17(a), promulgated on March 13, 1979 (44 FR 14902, 15373), provided an exemption only for those "Areas where

mining is authorized under permits issued or mining plans approved prior to August 3, 1977 * * *." This regulation was designed to implement congressional intent * * * to prevent indefinite expansion of mining in prime farmland areas if operators cannot achieve compliance with the prime farmland performance standards." 44 FR at 15084 (March 13, 1979).

Both the interim and permanent regulations were challenged. The interim regulations were generally sustained in the District Court as a reasonable exercise of the Secretary's discretion in implementing the Surface Mining Act (*In Re: Surface Mining Regulation Litigation*, 452 F. Supp. 327, 340 (D.D.C. 1978)), but were overturned by the Court of Appeals in *In Re: Surface Mining Regulation Litigation*, 627 F. 2d 1346 (D.C. Cir. 1980), as amended by order dated June 30, 1980.

Prior to the decision of the Court of Appeals, the Department voluntarily suspended the permanent program regulation (44 FR 77454-55, December 31, 1979), and had proposed revisions to both the interim and permanent program prime farmland grandfather regulations at 45 FR 25992 (April 16, 1980). The comment period on the April 16, 1980, proposal was extended once and later reopened to allow the public to comment on how the Court of Appeals' decision affected the proposal 45 FR 39448 (June 10, 1980); 45 FR 56364 (August 25, 1980).

Final regulations for the interim program (30 CFR 716.7(a)(2)) and the permanent program (30 CFR 785.17(a)) grandfather exemption were published in the Federal Register on January 23, 1981. 46 FR 7894. Those regulations included, *inter alia*, a cut-off date of August 3, 1982, for all prime farmland grandfather exemptions. 46 FR 7900 (January 23, 1981). The effective dates of the January 23, 1981, regulations were postponed in Federal Register notices of February 4, 1981 (46 FR 10707), March 23, 1981 (46 FR 18023), April 3, 1981 (46 FR 20211), April 29, 1981 (46 FR 18023), June 15, 1981 (46 FR 31258), and August 14, 1981 (46 FR 41046). The January 23, 1981, regulations were made effective after notice and comment on September 29, 1981 (46 FR 47720), with one major change. The August 3, 1982, termination date was eliminated from the final rule "[i]n order to provide maximum public participation and to enable OSM and commentors to gather additional information on potential solutions to this issue." 46 FR 47721 (September 29, 1981). OSM stated its intent in that notice to seek further comment on the issue of a cut-off for the grandfather exemption.

See also Statement of James R. Harris, Director, Office of Surface Mining, before the Energy, Nuclear Proliferation and Government Processes Subcommittee of the Senate Governmental Affairs Committee dated October 22, 1981. (The entire transcript of this hearing is available for review in the Administrative Record of this rulemaking.) The instant rulemaking provides the forum for maximum public participation and the airing of the issues surrounding the concept of an exemption termination date.

Related Litigation

Several parties have filed lawsuits on various aspects of the prime farmland regulations. Those cases relating specifically to the grandfather exemption termination date are: *Peabody Coal Company v. Watt*, Civ. No. 81-0645 (D.D.C.), originally filed March 17, 1981, and amended November 23, 1981; *Illinois Department of Mines and Minerals v. Department of the Interior*, Civ. No. 81-0708 (D.D.C.), originally filed March 24, 1981, and amended December 2, 1981; *NCA/AMC v. Watt*, Civ. No. 81-0693 (D.D.C.), originally filed March 23, 1981, and amended November 25, 1981; *National Wildlife Federation v. Watt*, Civ. No. 81-2875 (D.D.C.), filed November 25, 1981. All actions are now consolidated.

III. Discussion of Proposed Rules

OSM proposed for comment two alternatives for a grandfather exemption termination which are more fully discussed below.

Alternative A

This alternative would impose an August 3, 1982, termination date after which all surface coal mining operations previously grandfathered would be required to comply with the prime farmland performance standards and permitting requirements of the Surface Mining Act. There are numerous bases for an August 3, 1982, termination date. First, it carries our congressional intent to insure an orderly transition from pre-Act to post-Act standards by allowing operators a reasonable period to meet the new standards. Second, it prevents mining from continuing indefinitely beyond that time needed in which operators can compile the information and make the showing of technological capability required by the Act. Third, it tends to reduce the potential of wide variations between States in the administration of the law. Fourth, it gives certainty to both the public and the operators about the scope and extent of the grandfather clause. Fifth, it is consistent with Congress' intent to

prevent indefinite expansion of mining in prime farmland areas if operators cannot achieve compliance with the performance standards. See, e.g., 123 *Congressional Record* H7588-89 (daily ed.), July 21, 1977, statements of Congressmen Tsongas and Udall. Finally, the proposed rule takes into account the declaration in section 101(g) of the Act to avoid having competition in interstate commerce which undermines the abilities of States regulating mining operations within their borders.

The Office was also particularly mindful of the State of Illinois' grandfathering experience and adopted the August 3, 1982, date in part because Illinois had fixed this cut-off date in administrative decisions reached during 1978. See 46 FR 7895 (January 23, 1981). Commenters should note that this 1982 date (the date of passage of the Surface Mining Act plus the basic five-year permit term established by Section 506(b) of the Act) was perhaps a more appropriate date when the Illinois regulatory authority was in the beginning stages of implementing and enforcing the interim program of the Surface Mining Act. An August 3, 1982, termination date was perhaps also more appropriate as a final rule effective February 23, 1981 (46 FR 7894-7900) since operators would have had approximately 18 months within which to accomplish the transition from pre-Surface Mining Act to post-Act compliance. Given that this rulemaking will not be completed until at least summer 1982, commenters should consider whether an August 3, 1982, date is workable, especially with respect to States which have not yet achieved primacy. Comments are specifically requested on whether August 3, 1982, or some later uniform date is an appropriate cut-off date.

Alternative B

Under this alternative, each State would be allowed a maximum of 5 years from the effective date of this final rule to establish a termination date of its choosing. The date for termination of the grandfather exemption would not be required to be within the 5-year period but could be a later date. This alternative would allow each State maximum flexibility in formulating an approach consistent with its specific physical characteristics and would fully implement the fundamental State-lead concept of the Surface Mining Act. See section 101(f) of the Surface Mining Act, 30 U.S.C. 1201(f). Comments are requested on whether the 5-year period should run from the date of approval of

each State program or from the date of the final rule in this matter.

The rule will likely have its most significant impact in the State of Illinois. Illinois is a major coal producing State and a major agricultural State. There are approximately 21,381,000 acres of prime farmland within the State of Illinois, of which 517,000 acres are underlain by surface mineable coal. This represents 2.4 percent of Illinois' prime farmland acres. To date approximately 14,000 prime farmland acres are grandfathered under permits issued under the current Illinois program. The best data available to OSM indicates that an additional 10,000 to 16,000 acres, or a total of approximately 24,000 to 30,000 acres, may be grandfathered under OSM's existing regulation if neither alternative was selected.

Comments are also requested on a combination of alternatives A and B in those States still operating under the interim program of the Surface Mining Act. Under this approach, OSM regulations could establish the termination date only for those States operating under an interim program or a Federal program for a state. Commenters also are requested to address a combination of Alternatives A and B for States which have approved State programs but which have not entered into cooperative agreements for Federal lands. Under the existing Federal lands regulations, a State-adopted cut-off under Alternative B would not automatically apply on Federal lands in the State.

States would be expected to seek approval of a prime farmland exemption termination date through the applicable procedures for program amendment specified in 30 CFR Chapter VII, Subchapter C. See new rules which streamline the amendment process at 46 FR 7906-09 (January 23, 1981). The Secretary would establish a termination date for any Federal program after due consideration of each States' terrain, climate, biological, chemical and other relevant physical conditions under section 504 of the Surface Mining Act. Any termination date established by a State would be the minimum requirement on Federal lands in that State as required by section 523(a) of the Surface Mining Act.

It is possible that OSM may decide after considering the comments that no termination date for the grandfather exemption is practicable. Or, OSM may determine that the exemption should continue for certain types of surface mining operations and not others. For example, operations which are still mining the same acreage permitted in 1977 could continue to be grandfathered

for that acreage. Any additional acreage would not be grandfathered. OSM specifically would like commenters to address these possibilities.

IV. Procedural Matters

Statements Under Executive Order 12291 and the National Environmental Policy Act

OSM has determined that this proposed rule is not a major rule under Executive Order 12291 and a regulatory impact analysis will not be prepared.

OSM has prepared a draft environmental assessment (EA) on this proposed rule and has made an interim finding that it would not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Records Office at the address listed in the "Addresses" section of the preamble. A final EA will be completed and a final conclusion reached on the significance of any resulting impacts before issuance of the final rule. OSM also is preparing an EA of the cumulative impacts on the human environment of this rulemaking and related rulemaking under SMCRA. This cumulative EA also will be completed before this rule is made final.

Regulatory Flexibility Act

These rules have also been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and OSM has determined that the proposed rules do not have a significant impact on a substantial number of small entities. The proposed rules are expected to not have an impact on the regulatory burden on small coal operators because mining on prime farmlands is primarily conducted by larger operators and OSM is not aware of any small operators qualifying under the prime farmlands exemption.

Drafting Information

The principal author of these proposed regulations is as follows: Dean Hunt, Assistant Director, Technical Standards and Research, Office of Surface Mining, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; telephone number: 202/343-4264.

Accordingly, 30 CFR Parts 716 and 785 are proposed to be amended as set forth herein.

Dated: February 23, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

PART 716—SPECIAL PERFORMANCE STANDARDS

1. The authority citation for Part 716 is revised to read as follows:

Authority: Pub. L. 95-87, 30 U.S.C. 1201 et seq.

Alternative A for Section 716.7

2. 30 CFR 716.7(a)(2) is amended by adding paragraph (a)(2)(iv) to read as follows:

§ 716.7 Prime farmlands.

(a) * * *

(2) * * *

(iv) The exceptions granted by paragraphs (a)(2)(i)-(iii) of this section apply only to lands mined to the coal face and related benches prior to August 3, 1982.

* * * * *

Alternative B for Section 716.7

3. Section 716.7 is amended by adding paragraph (a)(2)(iv) to read as follows:

§ 716.7 Prime farmlands.

(a) * * *

(2) * * *

(iv) A termination date of the exceptions granted by paragraphs (a)(2)(i)-(iii) of this section shall be established by each State by [5 years from the effective date of the final rule], and approved by the Office as part of an approved State program under section 503 of the Surface Mining Control and Reclamation Act. The established termination date may be later than [5 years from the effective date of the final rule]. The exceptions granted by paragraphs (a)(2)(i)-(iii) of this section apply only to lands mined to the coal face and related benches prior to that date. Surface coal mining operations after that date shall comply with the prime farmland performance standards and permitting requirements of the Surface Mining Control and Reclamation Act, applicable regulations and the approved State program.

* * * * *

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Alternative A for Section 785.17

4. Section 785.17 is amended by adding paragraph (a)(5) to read as follows:

§ 785.17 Prime farmland.

(a) * * *

(5) The exceptions granted by paragraphs (a)(1)-(3) of this section apply only to lands mined to the coal face and related benches prior to August 3, 1982.

* * * * *

Alternative B for Section 785.17

5. Section 785.17 is amended by adding paragraph (a)(5) to read as follows:

§ 785.17 Prime farmland.

(a) * * *

(5) A termination date of the exceptions granted by paragraphs (a)(1)-(3) of this section shall be established by each State by [5 years

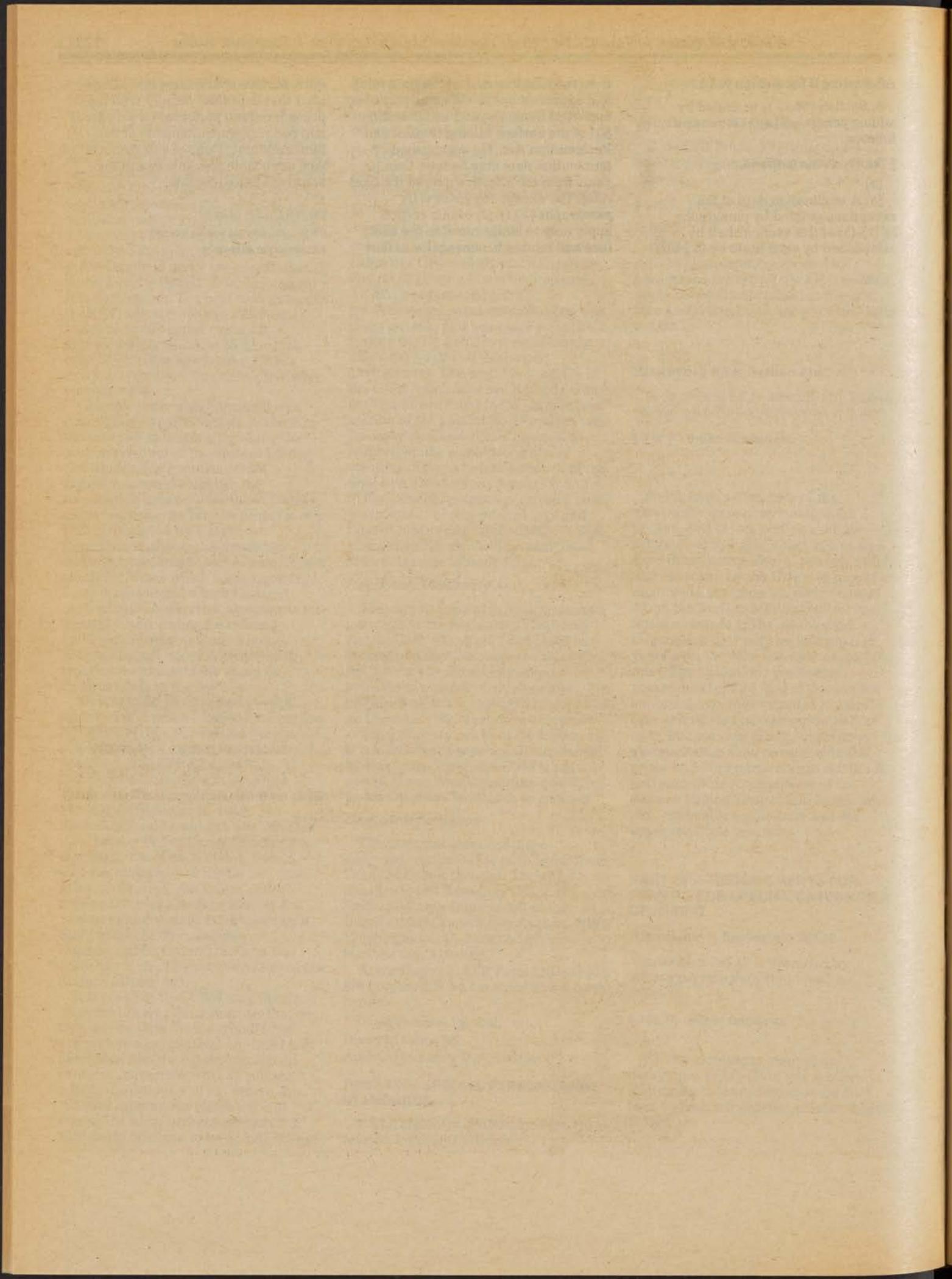
from the effective date of the final rule], and approved by the Office as part of an approved State program under section 503 of the Surface Mining Control and Reclamation Act. The established termination date may be later than [5 years from the effective date of the final rule]. The exceptions granted by paragraphs (a)(1)-(3) of this section apply only to lands mined to the coal face and related benches prior to that

date. Surface coal mining operations after that date shall comply with the prime farmland performance standards and permitting requirements of the Surface Mining Control and Reclamation Act, applicable regulations and the approved State program.

* * * * *
(30 U.S.C 1201 *et seq.*)

[FR Doc. 82-7649 Filed 3-19-82; 8:45 am]

BILLING CODE 4310-05-M



Federal Register

**Monday
March 22, 1982**

Part VII

Environmental Protection Agency

**Hazardous Waste Management System
Standards for Owners and Operators of
Hazardous Waste Treatment, Storage and
Disposal Facilities**

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 265
[SWH-FRL 2081-4]
**Hazardous Waste Management
System Standards for Owners and
Operators of Hazardous Waste
Treatment, Storage and Disposal
Facilities**
AGENCY: Environmental Protection
Agency.

ACTION: Interim final amendment to rule.

SUMMARY: On May 19, 1980, EPA promulgated regulations that would prohibit landfill disposal of containerized liquid wastes on or after November 19, 1981. On February 25, 1982, EPA issued proposed rules setting forth a new approach to restricting landfill disposal of these liquids, and extended the date for compliance with the May 19 requirement to allow time to complete this rulemaking. On March 11, 1982, EPA held a hearing to consider whether this interim suspension should be left in effect.

After considering the hearing record, EPA has decided to impose interim restrictions on landfill disposal of containerized liquid waste pending full rulemaking on the issue. Under these interim rules, no container holding free-standing liquid may be placed in a landfill. Guidance for Regional offices, states and the regulated industry to use in determining what constitutes freestanding liquid is set out later in this preamble.

DATES: This rule is effective on March 22, 1982.

FOR FURTHER INFORMATION CONTACT: The RCRA hazardous waste hotline, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 800/424-9346 (382-3000 in Washington, D.C.) For specific information on this amendment, contact Rod Jenkins, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-4489.

SUPPLEMENTARY INFORMATION:
I. Background

On May 19, 1980, EPA promulgated regulations which, in connection with certain earlier regulations, established most of the basic elements of the hazardous waste management program required by Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6921 et seq. See 45 FR 33066 et seq. (May 19, 1980); 45 FR

12721 et seq. (February 26, 1980). Part 265 of those regulations sets out standards that apply to existing hazardous waste treatment, storage and disposal facilities pending their receipt of a permit setting out site-specific requirements.

Sections 265.312 and 265.314 of this Part, as originally promulgated, would have forbidden the placement in a landfill of a container holding liquid waste after November 19, 1981, with certain limited exemptions.

After this regulation was promulgated, EPA received numerous suggestions that a total ban of this nature would be impossible to comply with in practice, and would lead to difficult and avoidable problems of testing containers in the attempt to determine whether they were indeed free of liquid. Accordingly, on February 25, 1982, EPA proposed alternative methods of restricting containerized liquid wastes in landfills. Under one method, the volume of drums containing any amount of liquid wastes in a landfill would be restricted to an absolute maximum of 25% of the total landfill volume, and in most cases less than that. Under the other method, EPA proposed each container would be limited to a prescribed liquid hazardous waste content such as ten percent. 47 FR 8307. EPA also extended the date for complying with §§ 265.312 and 265.314 for 90 days to allow time for consideration of this new approach. 47 FR 8304.

On March 11, 1982, in response to two petitions for reconsideration of this extension, EPA held a public hearing to consider whether some interim control might be advisable pending full resolution of these issues in rulemaking. As a result of that hearing, EPA, preferring to err on the side of caution pending completion of its rulemaking, has decided to restrict the landfill disposal of containers with liquid waste to those containing no free-standing liquids. The reasons for that decision are set out below.

II. Basis for Decision

The great majority of participants at EPA's March 11 hearing urged EPA to impose some type of interim control requirements on the land disposal of containerized liquid wastes.

Participants at the hearing divided into two camps on the type of interim controls EPA should adopt. Representatives of generators of hazardous wastes, and of landfill operators, urged EPA to make its February 25 25% by volume proposal

immediately effective. Tr.¹ 66-67 (National Solid Waste Management Association), 100 (Chemical Manufacturers Ass'n). Under this proposal, no more than 25% of a landfill's volume could be occupied by drums containing liquid wastes. EPA believes that in practice the actual volume of liquids disposed of would be less than half that. The 25% upper limit is a maximum that only applies to landfills that are exactly 25 feet deep; landfills shallower or deeper than 25 feet are limited to a lesser percentage. In addition, the proposal states that the full volume of any container with any liquids in it is charged against the 25% requirement. This means that, for example, a 55 gallon drum with ten gallons of liquid in it takes up 55 gallons, not ten gallons, of the allowable liquid volume.

Representatives of states, the general public, and of hazardous waste disposal facilities other than landfills urged EPA to control containerized liquids on a container-by-container basis. Tr. 36 (Hazardous Waste Treatment Council), 116 (New York State), 150 (Maryland), 162 (Association of State & Territorial Solid Waste Management Officials), 193 (League of Women Voters), 213 (NRDC), 229 (Rollins Environmental Services), 261 (CECOS Internat'l). They generally agreed, however, that it would be impractical to require a total absence of liquids in a container before it could be landfilled. Suggestions of how much liquid could properly be allowed ranged from three to ten percent. TR. 40, 69, 123, 138, 233.

The difference between these two proposals is not extreme. Though control of liquids on a drum-by-drum basis is plainly more restrictive than a 25% total limit, evidence at the hearing indicated that even the 25% approach would reduce the disposal of liquids in landfills below current levels. Tr. 89-90, 236. But see Tr. 38, 58.

Conversely, representatives of landfill operators stated that the 25% proposal was roughly equal in practical effect to a container-by-container approach with some exemption for small amounts of liquid, and that either approach was acceptable. Tr. 68-69, 84-86, 94 (National Solid Waste Management Ass'n).

III. EPA's Decision

Against this background, EPA has decided to prohibit, on an interim basis, the landfilling of containers which contain free-standing liquids. There are three reasons for this choice.

¹Tr. means the transcript of the March 11 hearing.

1. Most if not all of the States and localities that currently restrict the landfill disposal of containerized liquid wastes do so by restricting the wastes on a container-by-container basis. This appears to work in this context to the general satisfaction of those involved. The proposal for a 25% maximum volume, by contrast, is new.

Though EPA continues to believe that the 25% approach deserves serious consideration as a permanent method of restricting liquid wastes in landfills, the approach of choice for an interim rule should be one with which people are already familiar.

2. Proponents of the 25% approach argued that some containers of waste are too dangerous or too expensive to open and test for liquid content, as would be required under a container-by-container approach. Tr. 76-77, 85-86. However, a number of participants in the hearing stated that they did in fact open every container. Tr. 183-85, 231-32, 261. See also Tr. 93. In its post-hearing comments, the National Solid Wastes Management Association in effect agreed that all drums could be opened, though it continued to assert this was bad policy. Finally, as discussed in detail below, the guideline EPA is issuing for determining whether there are free-standing liquids in a container will not require the opening of each container in all instances.

3. Another argument advanced for the 25% approach is that some liquid wastes cannot be disposed of except in landfills. Tr. 51, 101, 106-07. See also Tr. 151, 238-39, 244.

In planning to meet restrictions on disposal of containerized liquids in landfills those affected have the choice of a wide variety of alternatives to landfilling, such as incineration, waste reclamation or recycling. EPA believes that alternatives to landfilling of liquids should be used increasingly in the future to minimize landfilling of liquid hazardous wastes. For these reasons EPA has consistently in the past rejected the argument that lack of other treatment alternatives is a proper reason to allow continued landfill disposal of free-standing liquids. See 47 FR 8307-08. However, this is a matter open for further consideration in the February 25, proposal.

IV. Free-Standing Liquids

EPA considered a number of approaches to specifying what small amounts of liquids in containers could properly be placed in landfills.

One approach would be to prohibit all land disposal of such liquids, as the original rule did, and rely on enforcement discretion to avoid

unworkable results. EPA rejected this approach because it is unwilling to establish regulatory requirements that it knows are technically unachievable and therefore unenforceable.

Another would be to establish a specific percentage of liquids that cannot be exceeded. As noted earlier, a number of hearing participants recommended this approach.

However, promulgation of such a percentage would require a precise implementing test procedure. There currently is no consensus on what procedure to pick; in fact one purpose of EPA's February 25 proposal is to help develop such a test.

EPA recognizes that the general terms of today's amendment do not provide the certainty that many of the regulated community would like to see on this point. The proposed rulemaking is focused on diminishing this uncertainty. The regulated community can help EPA to do that by providing factual information and data to the Agency as part of their comments.

Today's amendment clearly calls for landfill operators to use readily available, technically feasible techniques, such as decanting of free-standing liquids from containers or adding absorbents to containers holding free-standing liquids, to eliminate landfill disposal of containerized free-standing liquids. EPA interprets free-standing liquids as those that form distinct pools or layers within a container. Included in the definition of free-standing liquids are those covered with a scum of film, or those liquids known to accumulate in layers or pools below the surface of a container. Of course, EPA requires that the test for liquids be made without first agitating the drum or taking other steps to reduce the chances that free-standing liquids will be observed. In most cases, determining the presence or absence of free-standing liquids will not be difficult. Where it is difficult to determine whether a given substance that separates out from the waste is a free-standing liquid, the paint filter test described in the February 25 proposed rule can be used to determine whether a certain substance is or is not a free-standing liquid.

EPA also considered banning the land disposal of containerized liquids that do not occur as free-standing liquids, but instead occur as liquids occupying the pore space of an otherwise solid or semi-solid waste in the container.

EPA rejected this approach for three reasons.

First, a total ban on such liquids is impractical for the reasons given earlier in this preamble. Accordingly, any rule

on the subject would have to limit such liquids to a certain percentage of total waste. However, no meaningful percentage can be set without relying on a test procedure that has not been developed yet. Accordingly, any rule on the point would either be unenforceable for lack of a test procedure or would give arbitrary enforcement power to EPA.

Second, liquids of this nature are not likely to present a serious problem for the short period this interim rule is in effect.

Third, on samples tested to date, this pore-space liquid has been less than 5% by volume of the containerized wastes. EPA has testing underway to specify this figure more precisely and will also examine the matter further in the pending rulemaking.

Implementation of today's rule will generally require landfill operators to open and inspect all containers of wastes for free-standing liquids. EPA is persuaded by comments that this is technically feasible without prejudging whether the practice constitutes sound public policy. EPA recognizes that it will also be more costly and time-consuming and will require safety precautions for some wastes. The rule will allow landfill operators to open and inspect less than all containers where they can demonstrate that such practices assure reasonable compliance. For example, where the landfill operator receives a batch of containerized wastes and has good evidence that the content among containers does not vary significantly, and does not contain free-standing liquid, he may open and inspect a representative sample of the containers. Along similar lines, where the generator certifies to the landfill operator that he is delivering to the landfill operator wastes that comply with today's amendment, the landfill operator may satisfy his responsibilities by obtaining the generator's certification and verifying the generator's performance on a representative number of the containers received.

V. Conclusion

EPA finds that there is good cause for promulgating this regulation without going through a formal proposal. The hearing that was held provided a forum for all major interest groups in this field to attend and state their views, and they used this opportunity effectively. Moreover, today's promulgation provides a free-standing liquids rule which can be readily and easily enforced. There is good cause for making it effective immediately because it applies a rule of reason to the

Agency's original requirements and because there is general consensus based on the hearing record that interim controls of this nature are desirable. This interim rule constitutes EPA's response to the two petitions it has received on this matter.

This rule was submitted to the Office of Management and Budget for review as required by E.O. 12291.

Dated: March 17, 1982.

Anne M. Gorsuch,
Administrator.

For the reasons set out in the preamble, Part 265 of Title 40 of the Code of Federal Regulations is amended to read as follows:

**PART 265—INTERIM STATUS
STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND
DISPOSAL FACILITIES**

1. The Authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. In § 265.314 paragraphs (b) and (c) are revised to read as follows:

§ 265.314 Special requirements for liquid waste

* * * * *

(b) Containers holding free liquids must not be placed in a landfill unless:

(1) All free-standing liquid (i) has been removed by decanting, or other methods, (ii) has been mixed with absorbent or solidified so that free-standing liquid is no longer observed or (iii) had been otherwise eliminated; or

(2) The container is very small, such as an ampule; or

(3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(4) The container is a lab pack as defined in § 265.316 and is disposed of in accordance with § 265.316.

(c) The date for compliance with paragraph (a) of this section is November 19, 1981. The date for compliance with paragraph (b) of this section is March 22, 1982.

[FR Doc. 82-7666 Filed 3-18-82; 1:50 pm]

BILLING CODE 6560-30-M

federal register

**Monday
March 22, 1982**

Part VIII

**Department of
Transportation**

Federal Aviation Administration

**Air Traffic Control System Interim
Operations Plan Under SFAR 44-3**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. 1

[Docket No. 22050; Notice No. 82-5]

Air Traffic Control System Interim Operations Plan Under SFAR 44-3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: On February 18, 1982, the FAA issued Special Federal Aviation Regulation (SFAR) 44-3. The amendment established certain procedures for the operation of the National Air Traffic Control System, including procedures to be utilized in expanding from a reduced base of carrier operations, as necessary, to provide for the safe and efficient operation of the air traffic control system in a situation of reduced air traffic control capacity. This document proposes to amend SFAR No. 44-3 as it relates to "new entrants." This notice is issued at the request of the Civil Aeronautics Board which has recommended that "new entrants" be defined as a carrier that had commenced or will commence service with aircraft over 60 seats on or after October 24, 1978. This proposal would also limit the time period in which a carrier would be considered a new entrant and limit the number of airports at which new entrants could submit requests for slots.

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

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22050, 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. Also send copy of comments to: Civil Aeronautics Board, Office of the General Counsel, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Deputy Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-3773.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for Examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 22050." The postcard will be dated, time stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On February 18, 1982, the FAA issued Special Federal Aviation Regulation (SFAR) 44-3. The amendment established certain procedures for the operation of the National Air Traffic Control System, including procedures to be utilized in expanding from a reduced base of carrier operations, as necessary, to provide for the safe and efficient operation of the air traffic control system in a situation of reduced air traffic control capacity.

The SFAR provided for a random drawing to determine priority order for consideration for allocation of arrival capacity at all airports within the contiguous United States and defined new entrants. Section 3(b) of the Appendix defines a new entrant as:

(b) A new entrant is defined as a carrier who had an application for operating authority on file with the Civil Aeronautics Board (CAB) prior to August 3, 1981, and who is not operating on February 17, 1982. Carriers who are not new entrants as defined in this paragraph will be considered as incumbents for capacity allocation purposes.

At each airport, new entrants are allocated new/additional capacity first. After allocation to new entrants, remaining capacity is allocated to incumbent carriers.

By letter dated March 10, 1982, the General Counsel of the CAB submitted to the FAA the CAB's proposed revision to the definition of new entrants along with the Board's explanations for the change.

The following is a copy of the CAB proposal, including its analysis of changes resulting from and the basis for the proposal:

Proposed Amendment to SFAR No. 44-3

The Civil Aeronautics Board has recommended that the definition of new entrant for the purposes of the slot drawing be changed to the following:

A new entrant is defined as a carrier that had commenced or will commence service with aircraft over 60 seats, on or after October 24, 1978. A carrier will be classified as a new entrant, for a period of 36 months from the date it initiates service after which it will be considered an incumbent. A new entrant can request slots at no more than three airports in addition to requests for additional slots at those airports it is currently serving. No carrier shall apply for slots prior to the drawing for the period during which it will both receive its 121 operators certificate, and commence service.

Changes Resulting From Proposal

The proposed definition would both expand and contract the definition of new entrant contained in SFAR 44-3. It would add to the current list of eligible carriers, all carriers that have instituted service with large aircraft since the enactment of the Airline Deregulation Act of 1978 (ADA). In addition by eliminating the August 3, 1981 cutoff date contained in the current rule it would enable any qualified "new entrant" regardless of when they applied for a section 401 certificate to be placed in the priority pool. The rule deletes from the priority, new entrants using equipment of 60 seats or less and limits eligibility for the priority to a

period of 36 months from the date the carrier initiated service with qualifying aircraft.

Since it is unlikely that a new entrant would be entering a large number of new airports during any one drawing period the proposed rule limits request to three new airports in addition to requests for slots at airports currently being served. This will eliminate the practice of some new entrants to request slots at all 22 restricted airports merely to bank those slots for possible use in the exchange program approved by the Civil Aeronautics Board.

Finally, the new rule would clarify that no carrier may participate in the lottery until the drawing for the period during which it will receive its 121 operators certificate and expects to initiate service.

Basis for CAB Recommendation

The Airline Deregulation Act of 1978 (ADA) placed primary emphasis on actual and potential new entry, as the device for achieving the regulatory goal of a competitive airline industry governed by market forces. While the legislative history of the ADA indicates Congress intended to promote entry into new markets by existing as well as new airlines, it is clear that Congress saw entry by new carriers as the primary catalyst to the transition to a lower cost, more efficient domestic airlines system. The post-deregulation experience has confirmed Congressional expectations. The small group of post-deregulation carriers has had an effect on the system that is disproportionate to their size not only by bringing lower fares to many communities but, in addition, by focusing the attention of the incumbent carriers on the need to both improve productivity and control costs. For these reasons the CAB believes that the FAA's decision to create a priority pool for new entrants was proper under the ADA and endorses that decision. The Board believes however that the current priority is narrow and should be expanded to include both those carriers that have commenced service with large aircraft since passage of the ADA and those that start service in the future.

Presumably, no air carrier is happy with the air traffic control system (ATCS) constraint. However, the CAB's willingness to approve both inter-airport and intra-airport slot exchange programs should ease some of the burden for those carriers that avail themselves of that process. Because the larger carriers have many more slots and will get some percentage of the increments at some of the congested airports, they can rationalize their system and trade through the exchange.

This is a desirable process because it allows carriers—despite the system constraint—to pursue individual route strategies. But, the slot exchange is of limited, if any, value to recent entrants which are virtually totally dependent on one hub, have very few slots anywhere, and have a substantial number of new aircraft (relative to the size of their existing fleets) being delivered this year.

Without some limited assistance to the low cost carriers created by deregulation the competitive dynamics of the post-deregulation period could be seriously stalled. The early success of these carriers helped create an environment in which other entrepreneurs could see the possibility of obtaining financing. The climate has since changed significantly. In large part this change in attitude stems from the investment community's concerns that new entrants do not have the financial strength to weather the costs resulting from the ATCS constraints. Were the deregulation-spawned carriers' operating history to be seriously reversed, it could so chill potential new investment that the threat of potential new entry—the key to the competitive process—might be lost for an extended period of time.

Some incumbents are in serious financial difficulty. However, at the margin, increases of two or three slots at an airport will not help those carriers to the degree that a new entrant with a limited number of slots would be benefitted. In addition, because incumbent carriers already have a relatively large number of slots at a variety of airports, they will be able to make adjustments through the exchange process. The newer carriers just do not have the flexibility to avail themselves of this process to any significant degree.

There are only a few carriers that have commenced large aircraft service since the ADA became law. Most of them have been in business for less than a year. Certainly not long enough to achieve the operational stability that exists today for the pre-1978 carriers. As a group they have limited financial resources and the advantages of their lower costs over larger incumbents is immediately lost if a large percentage of their small fleets must be either grounded or substantially underutilized.

The established carriers start off with very major competitive advantages in market position, equipment and capital, and operational systems. It will be a long time before the new entrants can achieve parity in these areas. Their basic tactic has been to secure market entry by utilizing an operating cost advantage to lower prices. Prior to the strike the incumbent generally adopted

a policy of meeting all competitive prices. The battle has become one of relative staying power. Were the post-deregulation carriers free to enter new markets as they were before the strike, they would be in a better posture to fight this battle. Without entry and exit flexibility, the post-deregulation carriers lack an effective competitive response and are at the risk of serious financial attrition. Even if these carriers survive to the point where the ATCS is again relatively unconstrained, there is no question that their competitive abilities will have been substantially impaired by the dissipation of their capital. For these reasons the CAB believes it is necessary to include those carriers that have commenced service since enactment of the Airline Deregulation Act in the priority pool.

At the other end of the new entrant spectrum are those carriers that may have been in the early stages of development on August 3, 1981, the current cutoff date. Whether or not these new ventures actually mature into operating carriers depends on many variables including the general problems of expanding service under the current constraint. However, a key element for start-up is access to the financial market. The current scheme by placing these carriers in the same lottery pool as all incumbent carriers creates such a significant entry barrier to the carriers that it is unlikely that any of them could hope to secure financing regardless of the overall merit of the proposed operation. Given the overall ATCS constraint, the knowledge that these carriers will be placed in the priority pool once they have been certificated by the Board and the FAA may not contribute very much to their ability to raise funds. But, on the other hand it may be sufficient for some of them to secure needed equity. Since the threat of entry is so important to the functioning of the competitive system, the CAB believes that there is no strong rationale for maintaining the August 3 cutoff date.

Given the limited number of slots available, the CAB recommended that the entrant priority be limited to operations with large aircraft (more than 60 seats). While small aircraft operators are an important segment to the industry, these carriers have never been regulated by the CAB. Prior to deregulation they were free to enter or exit markets at will and were therefore not in the class of new entrants that the ADA sought to single out for special encouragement. It is true that the commuters play a critical role in the implementing of the essential air service program. However, under the current

scheme when essential air service is threatened the FAA, at the CAB's request, has made slots available. To this limited degree, commuters providing essential air service do have an absolute priority over all other carriers. The CAB believes that given the exigencies of the overall slot situation and the overall goals of the Airline Deregulation Act, it is reasonable to distinguish between large and small aircraft operations for the narrow purpose of establishing the lottery priority.

This proposal responds to a CAB request to change the current regulations. No cost-benefit analysis was submitted by the CAB with respect to this proposal. Since the proposed definition would not result in the loss of any currently held slots by any carrier and would affect a limited number of carriers, the cost impact is considered to be minimal. Comments are specifically invited on the potential costs and benefits of this proposal.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes, in accordance with a proposal submitted by the Civil

Aeronautics Board, to amend Special Federal Aviation Regulation 44-3 as follows:

SFAR 44-3

(1) By revising paragraph 3(b) of the Appendix to read as follows:

Appendix

3 * * *

(a) * * *

(b) A new entrant is defined as a carrier that commenced or will commence service with aircraft over 60 seats, on or after October 24, 1978. A carrier will be classified as a new entrant, for a period of 36 months from the date it initiates service after which it will be considered an incumbent. A new entrant can request slots at no more than three airports in addition to requests for additional slots at those airports it is currently serving. No carrier shall apply for slots prior to the drawing for the period during which it will both receive its Part 121 operators certificate, and commence service.

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

Note.—The FAA has determined that this proposal, if adopted, would expand the number of carriers eligible for a limited

number of priority slots at various airports within the contiguous United States without affecting the number of slots currently held by any carrier. There are no apparent direct or indirect (nonindustry) costs associated with the proposal. Therefore, it has been determined that this is not a major regulation under Executive Order 12291. I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this proposed amendment is not significant under the Department of Transportation 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 will be prepared and placed in the regulatory docket. A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, D.C., on March 18, 1982.

Donald R. Segner,

Associate Administrator for Policy and International Aviation.

[FR Doc. 82-7761 Filed 3-18-82; 4:56 pm]

BILLING CODE 4910-13-M

Federal Register

Monday
March 22, 1982

Part IX

Department of Transportation

Federal Aviation Administration

Security Control of Air Traffic;
Modification of Flight Plan Filing
Requirements for Operation in Costal
ADIZ

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 99

[Docket No. 22782; Amendment No. 99-12]

**Security Control of Air Traffic;
Modification of Flight Plan Filing
Requirements for Operation in Coastal
ADIZ****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; request for comments.

SUMMARY: This amendment to Part 99 of the Federal Aviation Regulations (1) modifies the geographic area of exclusion in which aircraft operating at a true airspeed of less than 180 knots would not need to meet the flight plan filing and other requirements of that Part, and (2) requires the aircraft's transponder capability to be included in the flight plan. The amendment responds to a threat to safety in air commerce by aircraft operating illegally with respect to transportation of drugs through airspace adjacent to the State of Florida.

EFFECTIVE DATE: April 22, 1982.

Comments are invited on this amendment until April 30, 1982.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204) Docket No. 22782, 800 Independence Avenue SW., Washington, DC 20591.

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

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

SUPPLEMENTARY INFORMATION:**Comments Invited**

Although this amendment is in the form of an emergency final rule which concerns immediate flight safety and, thus, is not preceded by notice and public procedure, comments are invited on this amendment. Comments should be submitted to the address indicated above. Comments received before the date specified will be reviewed and this amendment may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this

rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22782." The postcard will be date/time stamped and returned to the commenter.

Background

Subpart A of Part 99 of the Federal Aviation Regulations sets forth flight plan and position reporting requirements for aircraft operating in Air Defense Identification Zones (ADIZ). However, § 99.1(b)(1) excludes from these requirements aircraft operations conducted at a true airspeed of less than 180 knots in a Coastal or Domestic ADIZ north of the 25th parallel or west of the 85th meridian. The geographic area of exclusion encompasses a region (South Florida) known to be rife with aircraft operations involving the transport of illicit drugs. A large portion of this illegal traffic has for some time been accomplished by aircraft flying into the United States through the Coastal ADIZ and into Florida. As a result, necessary State, local and Federal enforcement pressures have been increasing against such aircraft operators. While the FAA does not enforce the antismuggling and related statutes, it is concerned with the growth of hazards to air commerce in Florida arising in connection with the increasing use of aircraft to escape detection in bringing narcotic drugs, marihuana, and depressant or stimulant drugs into the United States through Florida. Those hazards have increased as the number of pilots who are willing to risk the carriage of these illegal goods under severe enforcement pressures has increased. The means for detection of these aircraft include low altitude radar, pursuit aircraft and advanced police techniques, and are now being supplemented. Any pilot committed to escaping these devices in order to avoid severe penalties may be expected to engage in extremely dangerous flight techniques to avoid pursuit aircraft; very low flight to avoid radar; landing and taking off from unprepared landing areas; and operation in weather conditions beyond the capability of the aircraft or pilot. These flight techniques create a safety hazard for all other aircraft in the area. Thus, while other agencies are responsible for controlling the traffic in narcotic drugs, marihuana, and depressant or stimulant drugs and although the mere carriage of those items under normal conditions is not dangerous, nevertheless the increased enforcement efforts and the demand for those drugs have combined to pose a direct threat to air commerce, at least with respect to the aerial smuggling of

those items into the United States through Florida.

Aircraft operating into Florida through the Coastal or Domestic ADIZ are subject to identification processes which, in part, involve the correlation of radar-detected targets with flight plan and position report information. However, aircraft operations conducted at a true airspeed of less than 180 knots are not readily identifiable since they are not required to either file a flight plan or make position reports. Consequently, the threat to air safety is increased and, at the same time, the drug enforcement effort in the South Florida region is seriously impaired by the exclusion.

In order to meet this threat to aviation safety directly, this amendment reduces the area of exclusion along the south and east coasts of the United States. The area of exclusion for aircraft operated in a Coastal or Domestic ADIZ at less than 180 knots is redefined in § 99.1(b)(1) as north of the 30 degree north parallel and west of the 86 degree west meridian. In effect, all civil aircraft operating in the Coastal or Domestic ADIZ adjacent to almost all of the State of Florida will be subject to the flight plan filing and position reporting requirements of Part 99 regardless of the aircraft's true airspeed. Additionally, revised § 99.11(b) requires the aircraft operator to indicate in the IFR or DVFR flight plan the transponder capability of the aircraft, i.e., transponder, no transponder, transponder with altitude encoding, etc.

The FAA has determined the overall impact of this amendment on users of the system to be minimal. Most pilots and operators as a matter of practice already file flight plans (and make the attendant position reports) in order to avail themselves of the search and rescue services initiated on overdue aircraft. For those who would not ordinarily file a flight plan, it requires only a minimal amount of information and effort. Further, the new requirement for information on transponder capability requires only that the pilot or operator include in the flight plan a one-letter suffix to the aircraft type. The suffix may be obtained from the aeronautical facility with which the flight plan is filed. Also, the Airman's Information Manual provides information concerning the appropriate suffix to be used.

The FAA has also consulted with the Department of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854 inasmuch as this amendment involves airspace outside the United States.

Since this amendment relates to an immediate safety situation in air commerce involving aircraft entering the State of Florida through the ADIZ adjacent to that State, I find the continued operation of the National Air Traffic Control System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after it is published in the *Federal Register*.

Adoption of the Amendment

PART 99—SECURITY CONTROL OF AIR TRAFFIC

Accordingly, §§ 99.1(b)(1) and 99.11(b) of the Federal Aviation Regulations (14 CFR 99.1(b)(1) and 99.11(b)), are amended effective April 22, 1982, to read as follows:

1. By revising § 99.1(b)(1) to read as follows:

§ 99.1 Applicability.

* * * * *

(b) * * *

(1) In a Coastal or Domestic ADIZ north of 30 degrees north latitude or west of 86 degrees west longitude at a true airspeed of less than 180 knots;

* * * * *

2. By revising § 99.11(b) to read as follows:

§ 99.11 Flight plan requirements: Coastal or Domestic ADIZ.

* * * * *

(b) All flight plans must specify transponder capability and, unless ATC authorizes an abbreviated flight plan,—

(1) A flight plan for IFR flight must contain the information specified in § 91.83 of this chapter; and

(2) A flight plan for VFR flight must contain the information specified in § 91.83(a) (1) through (7) of this chapter.

* * * * *

(Secs. 307, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1510, and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1855(c))

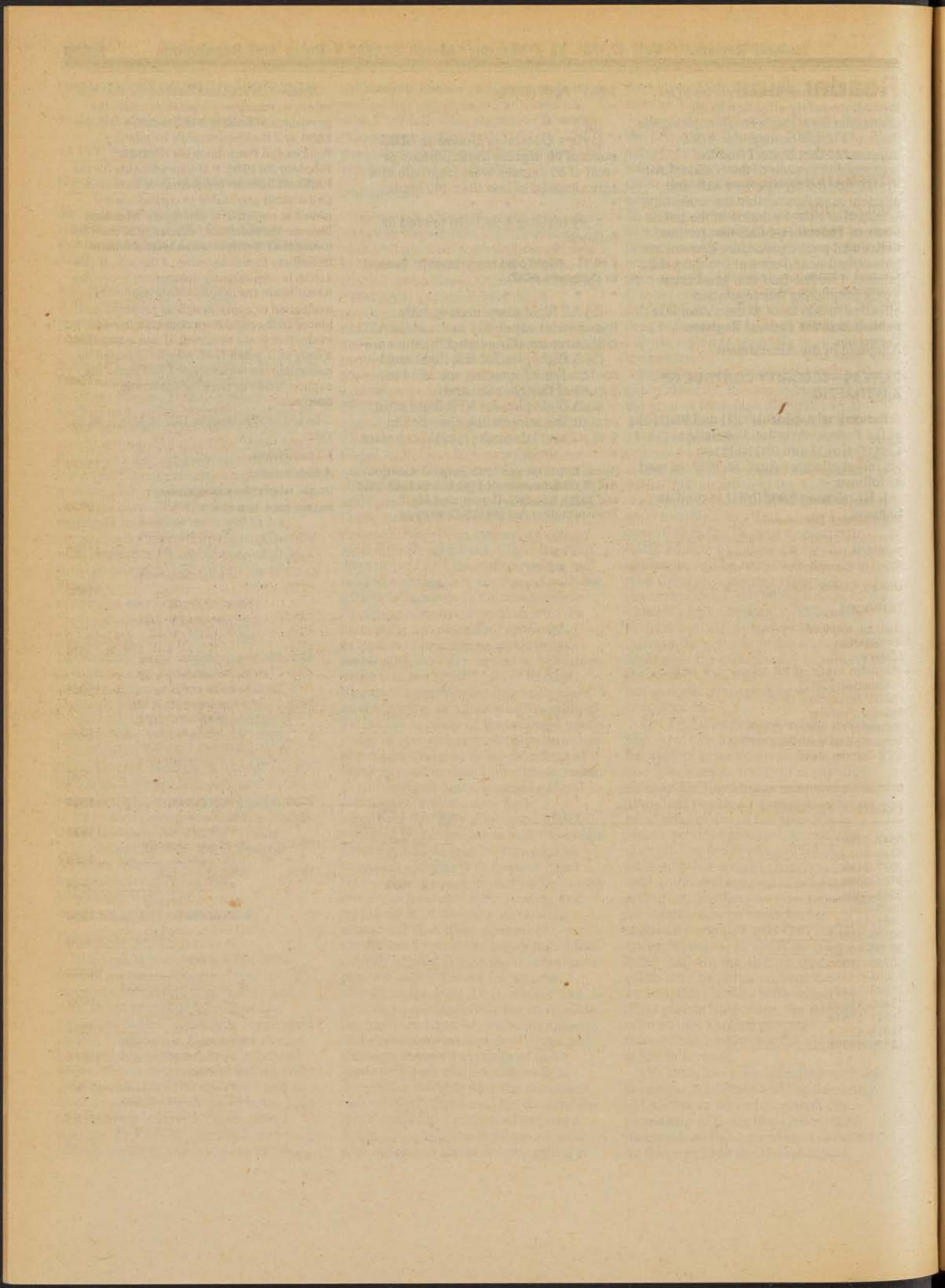
Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291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

Issued in Washington, DC, on March 18, 1982.

J. Lynn Helms,
Administrator.

[FR Doc. 82-7783 Filed 3-19-82; 10:25 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

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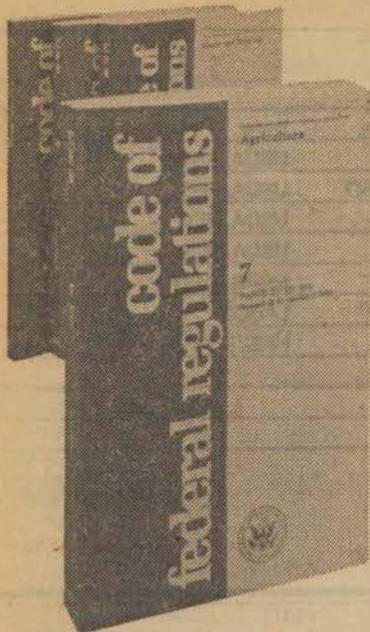
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