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Register



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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

Importation of Apples From Australia (Including Tasmania)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the fruits and vegetables regulations. It deletes provisions requiring fumigation with methyl bromide of each shipment of apples imported into the United States from Australia (including Tasmania). Instead, it requires inspection of a biometrically designed statistical sample from each shipment, and fumigation with methyl bromide for all shipments found upon such inspection to contain pests of the family Tortricidae (fruit-leaf roller complex). This is warranted in order to delete unnecessary restrictions on the importation of apples from Australia (including Tasmania).

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Frank Cooper, Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

SUPPLEMENTARY INFORMATION:

Background

The fruits and vegetables regulations (referred to below as the regulations) are contained in 7 CFR 319.56 through 319.56-8, and impose prohibitions and restrictions on the importation into the

United States of certain fruits and vegetables.

Under the regulations, apples and pears from Australia (the term Australia includes Tasmania when used in the Background portion of this document) and New Zealand have been allowed to be imported only in accordance with certain requirements, including requirements set forth in § 319.56-2k. The requirements set forth in § 319.56-2k were designed to prevent the introduction into the United States of insects of the family Tortricidae (fruit-leaf roller complex) which occur in Australia and New Zealand, and which could be spread to apple and pear orchards in the United States by the movement of apples and pears. These pests, which do not occur in the United States, are destructive pests of apples and pears.

Prior to the effective date of this document, § 319.56-2k of the regulations required that apples imported from Australia be fumigated with methyl bromide in accordance with specified procedures. This section also provides for inspection of a biometrically designed statistical sample from each shipment of apples or pears imported from New Zealand and each shipment of pears imported from Australia, and further provided for such methyl bromide fumigation for those shipments found to contain the pests.

In a document published in the *Federal Register* on February 2, 1982 (47 FR 4693-4694), the Department proposed to amend the fruits and vegetables regulations by deleting the provisions requiring mandatory fumigation with methyl bromide for each shipment of apples imported from Australia, and instead requiring inspection of a biometrically designed statistical sample of each shipment of apples from Australia, with mandatory fumigation for any shipment found to contain pests of the family Tortricidae.

The document of February 2, 1982, invited the submission of written comments on or before March 4, 1982. One comment was received. The comment was from a Pennsylvania farmer with an apple orchard. He expressed opposition to the proposal because he opposed "the USDA plans to end fumigation of imported New Zealand and Australian fruit." No changes are made based on this comment. Initially it should be noted

that the proposal only concerned changes with respect to apples from Australia. Further, the adoption of the proposal would not eliminate fumigation in all cases. As explained above, inspection of a biometrically designed statistical sample would be required for each shipment of apples from Australia, with mandatory fumigation for any shipments found to contain pests of the family Tortricidae. Further, as explained in the document of February 2, 1982, these amended procedures appear to be adequate to prevent any significant risk of introducing such pests into the United States from apples imported from Australia.

Based on the reasons set forth in this document and in the proposal, the provisions in the proposal have been adopted as proposed.

Executive Order 12291 and Regulatory Flexibility Act

This final rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause 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.

Apples from Australia do not constitute a significant portion of the apples imported into the United States. Importations of apples from Australia for fiscal year 1981 totaled 810 metric tons, valued at \$413,000. The total importations of apples for fiscal year 1981 totaled 80,000 metric tons, valued at \$40 million. It is expected that the adoption of the final rule will not result in a large increase in the importation of apples from Australia. Further, it appears that the importation of apples from Australia is not the primary activity of any business in the United States.

There were fewer than 75 shipments of apples from Australia during fiscal year 1981. It appears that the adoption

of the final rule will reduce the costs of each shipment by approximately \$75 as a result of reducing the number of fumigations.

Alternatives were considered in connection with the final rule. Consideration was given concerning whether (1) to continue the system of mandatory fumigation with methyl bromide of each shipment of apples imported into the United States from Australia, or (2) to require inspection of a biometrically designed statistical sample from each shipment, and to require such fumigation for any shipments found upon inspection to contain pests of the family Tortricidae (fruit-leaf roller complex). Alternative (2) is adopted. As explained above, it appears that the less stringent provisions in alternative (2) are adequate to allow apples to be imported from Australia without a significant risk of introducing insects of the family Tortricidae (fruit-leaf roller complex) into the United States. Further, it appears that there is no other feasible alternative that would maximize net benefits to society at a lower net cost.

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that the final rule will not have a significant economic impact on a substantial number of small entities.

The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete the restrictions. Therefore, in accordance with the provisions of 5 U.S.C. 553 the final rule is made effective March 30, 1982.

PART 319—FOREIGN QUARANTINE NOTICES

Under the circumstances referred to above, § 319.56-2k of the fruits and vegetables regulations (7 CFR 319.56-2k) is amended as follows:

§ 319.56-2k [Amended]

1. By deleting "each shipment of pears moved from" immediately before "Australia" in § 319.56-2k(a)(1).

2. By deleting "for apples shipped from Australia (including Tasmania) and" in § 319.56-2k(a)(2).

(Secs. 5 and 9, 37 Stat. 316, 318 (7 U.S.C. 159, 162); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C. this 24th day of March 1982.

William F. Helms,

Acting Deputy Administrator Plant Protection and Quarantine Animal and Plant Health Inspection Service.

[FR Doc. 82-9445 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Part 435

[Amdt. No. 2]

Tobacco (Quota Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Interim rule.

SUMMARY: This rule amends the Tobacco (Quota Plan) Crop Insurance Regulations effective with the 1982 and succeeding crop years by changing the language of the policy to clarify the intent of the Federal Crop Insurance Corporation with regard to production not included within the effective poundage quota at the time the acreage report is filed. This amendment is the result of concern expressed over the previous language as to whether the Corporation intended to insure all of the tobacco which an insured could legally produce. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATES: *Effective Date:* This interim rule is effective March 30, 1982.

Comment Period Date: The Federal Crop Insurance Corporation is soliciting public comment on this interim rule for a period of 60 days following publication. A final rule will then be promulgated. Written comments, data, and opinions must be submitted not later than June 1, 1982, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Draft Impact Analysis describing the options considered in developing this interim rule and the impact of implementing each option is available upon request from Peter F. Cole, Federal Crop Insurance Corporation.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981)

and has been classified as "not significant."

Melvin E. Sims, Chairman, Federal Crop Insurance Corporation (FCIC), has determined that an emergency situation exists which warrants foregoing public notice and comment procedures and a 30-day delay in effective date because the regulations contained in 7 CFR Part 435 Tobacco (Quota Plan) Crop Insurance Regulations, and any amendments thereto, must be placed on file 15 days prior to the cancellation date of December 31 in order to be effective for the 1982 crop year, thus allowing insureds 15 days to decide on the changes and their insurance needs. Current insureds will be contacted individually to have the program changes explained in sufficient time to make these decisions; new policyholders will have the changes explained when an application is filed.

There would not be sufficient time to comply with the provisions to provide a 60-day comment period and still comply with the regulations providing that the amendment contained herein be placed on file 15 days prior to the cancellation date.

Pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim final action are impracticable and contrary to the public interest; and good cause is found for making this action effective less than 30 days after publication in the Federal Register.

Comments have been solicited for 60 days after publication of this document, and this interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

All written submissions made pursuant to this action will be available for public inspection in the Office of the Chairman during regular business hours Monday through Friday.

The Chairman of FCIC has also determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this

amendment applies is: Title—Crop Insurance; No. 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A-95 was not used to assure that units of local government are informed of this action.

The information gathering and recordkeeping requirements of the regulations to which this amendment applies (7 CFR Part 435) have been approved by OMB under the following control numbers:

RMS OMB NBR: 0563-0001, 0563-0003, 0563-0007.

Background: Concern has been expressed over the language contained in the Tobacco (Quota Plan) Crop Insurance Regulations (7 CFR Part 435), published in the *Federal Register* on Wednesday, December 19, 1979 (44 FR 75095), as to whether FCIC intended to insure all of the tobacco which an insured could legally produce. Section 2(c) of the policy, found at 44 FR 75097, provides that "The insured poundage quota shall be the effective poundage marketing quota applicable to the unit for the current crop year as provided under ASCS Tobacco Marketing Quota Regulations including any additional quota the insured intends to obtain later for the unit for the current crop year, * * * (Emphasis supplied.)"

The Corporation intended to insure all tobacco the insured may legally produce under ASCS Tobacco Marketing Quota Regulations, limited only by a percentage of yield. This amendment is intended to clarify the Corporation's policy toward production not included within the effective poundage quota. This amendment also will provide the insured with greater flexibility in reporting the insured poundage, requiring only that the necessary minimum acreage needed to produce such poundage be planted, and requires that any limitation as established by ASCS Tobacco Marketing Quota Regulations be complied with.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). That review will be completed prior to the sunset review date of December 19, 1984.

Interim Rule

PART 435—QUOTA PLAN OF TOBACCO CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Tobacco (Quota Plan) Crop Insurance Regulations (7 CFR Part 435), effective with the 1982 crop year, in the following instances:

1. The authority citation for 7 CFR Part 435 is amended to read as follows:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. Subsection 2(c) of the "Terms and Conditions" of the Tobacco (Quota Plan) Crop Insurance Policy (7 CFR 435.7(d)) is amended to read as follows:

§ 435.7 The application and policy.

2. Crops, Acreage and Insured Poundage Quota.

(c) The insured poundage quota for each crop year shall be the effective poundage marketing quota applicable to the unit as provided under ASCS Tobacco Marketing Quota Regulations for that crop year plus any additional poundage the insured intends to produce on the unit in that crop year, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided, however,* That (1) the insured poundage quota shall not include any amount which would be subject to a marketing quota penalty under ASCS Tobacco Marketing Quota Regulations, (2) such poundage marketing quota may be reduced for any carryover tobacco to be marketed under the poundage quota applicable to the unit when such poundage reduction is clearly specified by the insured in filing the acreage and quota report, (3) the insured poundage quota shall never exceed the pounds obtained by multiplying the insured acres by the applicable farm yield per acre, and (4) unless otherwise provided on the actuarial table, for any crop year in which tobacco poundage marketing quota regulations are not in effect, the insured poundage quota shall be the pounds obtained by multiplying the applicable farm yield per acre times the lower of the reported or insured acreage on the unit.

3. Subsection 3(c) of the "Terms and Conditions" of the Tobacco (Quota Plan) Crop Insurance Policy (7 CFR 435.7(d)) is amended to read as follows:

§ 435.7 The application and policy.

3. Responsibility of Insured to Report Acreage, Share and Poundage Quota.

(c) the effective poundage marketing quota applicable to the unit as provided under ASCS Tobacco Marketing Quota Regulations plus any additional poundage the insured intends to produce on the unit in that crop year. Such poundage marketing quota may be reduced for any carryover tobacco to be marketed under the poundage quota applicable to the unit provided such poundage reduction is clearly specified in filing the acreage and quota report. The quota so reported shall not be subject to change by the insured. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

Done in Washington, D.C., on March 22, 1982.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Dated: March 22, 1982.

Approved by:
Melvin E. Sims,
Chairman.

[FR Doc. 82-8514 Filed 3-29-82; 8:45 am]
BILLING CODE 3410-06-M

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket 82-032]

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Dade County in Florida from areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.

EFFECTIVE DATE: March 25, 1982.

FOR FURTHER INFORMATION CONTACT: W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order

12291, and has been determined to be not a "major rule." The Department has determined that this rule will have an annual effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that the emergency nature of this final rule warrants publication without opportunity for public comment. This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Certification Under The Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it removes the quarantine imposed due to exotic Newcastle disease concerning only one premises, and that premises is not owned by a small entity.

This amendment releases a portion of Dade County in Florida from the areas quarantined because of exotic Newcastle disease. The restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released area.

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY: PSITTACOSIS AND ORNITHOSIS IN POULTRY

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

§ 82.3 [Amended]

1. In § 82.3(c)(2), relating to the State of Florida, the following premises is removed: Mr. Robert Wiener, Fernwood Gardens, 7800 S.W. 117th Avenue, Miami, Dade County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141))

Done at Washington, D.C., this 25th day of March 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-8447 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 14

Statement of Enforcement Policy Regarding Interpretation of Truth-in-Lending Orders Consistent With the Truth-in-Lending Simplification and Reform Act and Revised Regulation Z

AGENCY: Federal Trade Commission.

ACTION: Final statement of enforcement policy—Regulation Z.

SUMMARY: The Commission is adopting a final statement of enforcement policy explaining the compliance alternatives of creditors subject to Truth-in-Lending (TIL) orders issued prior to April 1, 1981, under the Truth-in-Lending Simplification and Reform Act of 1980 and revised Regulation Z, Truth-in-Lending regulations (12 CFR Part 226, 46 FR 20848, April 1, 1981). The policy statement provides that Truth-in-Lending requirements of existing FTC orders will be interpreted and enforced so as to impose no greater or different disclosure obligations on creditors under order than are required of creditors generally under the Simplification Act reforms. Clarification of the Commission's enforcement policy is necessary because the Simplification Act and the revised Regulation Z (12 CFR Part 226), relaxed current Truth-in-Lending disclosure requirements significantly on which provisions of more than 300 final cease and desist orders are based.

EFFECTIVE DATE: March 23, 1982.

FOR FURTHER INFORMATION CONTACT:

James W. Rudasill, Jr. (202) 254-9492 or George T. O'Brien (202) 254-6134, Attorneys, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTAL INFORMATION:

Background

On January 22, 1982, the Commission published for comment a Statement of Enforcement Policy regarding Truth-in-Lending which proposed to amend 16 CFR Part 14 to add § 14.16 in which interested persons/parties were requested to comment on by February 22, 1982. The notice proposed that the policy statement become final on March 23, 1982. The Commission received three comment letters relating to the proposal. In general, the comments supported the proposal and did not raise issues suggesting that substantive changes in the proposed statement were necessary. The Commission is now issuing as a final statement of enforcement policy, excepting minor errata corrections, the statement as proposed in 47 FR 3128. This statement is issued pursuant to sec. 108(d) of the Truth-in-Lending Act.

The policy statement clarifies the compliance responsibilities under the Truth-in-Lending Simplification and Reform Act (Simplification Act) and revised Regulation Z, of those creditors subject to FTC orders which require compliance with provisions of the original statute and current regulation. Pursuant to sec. 108(c) of the Truth-in-Lending Act (Act), as amended (15 U.S.C. 1601), the FTC has issued more than 300 orders which enjoin various creditors from failing to comply with disclosure requirements of the Act and Regulation Z (12 CFR 226).

The Congress adopted the Truth-in-Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96-221, 94 Stat. 168) on March 31, 1980 to address its perceptions of inadequacies in the current law. The Simplification Act is the first statutory amendment to significantly reduce the disclosure requirements placed on creditors under the Truth-in-Lending Act. Although the Simplification Act amendments are not fully effective until October 1, 1982, the Act provides that an implementing revision of Regulation Z be promulgated by the Board of Governors of the Federal Reserve System ("the Board") by April 1, 1981. The Simplification Act further provides that creditors have the

option of complying with either the current or the revised regulation until the current regulation expires on October 1, 1982. On that date, compliance with the revised regulation becomes mandatory.

The Board issued its revised Regulation Z on April 1, 1981 (46 FR 20848). In implementing the Simplification Act, the Board has incorporated several regulatory options into its revision of Regulation Z and has added some new disclosure requirements which must be followed. Included among the changes was the Board's decision to completely restructure the current regulation by grouping together all substantive rules for closed-end and open-end credit in separate subparts. Since it has been a standard practice of the Commission staff, during the twelve-year period in which the Act has been in effect, to incorporate specific sectional references to the current regulation in drafting provisions of FTC complaints and orders, nearly all of the sectional references to Regulation Z contained in existing FTC orders have been rendered inaccurate.

Creditors are advised to consult revised Regulation Z, itself, and the supplemental information fully explaining these changes in 46 FR 20848 (April 7, 1981). Copies of the revised regulation may be obtained from the Distribution Branch, Services Division, FTC, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580, or from Publications, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or from any Federal Reserve Bank. Moreover, the Federal Reserve Board has published an interpretative staff commentary to revised Regulation Z which is intended as a substitute for individual interpretations of the regulation. Copies of the staff commentary may be obtained on request from the Board, at the above address, and it is published at 46 FR 50288 (October 9, 1981).

Explanation of Policy Statement

The statement of enforcement policy has two purposes: First, it provides guidance to creditors subject to outstanding FTC orders as to how they may, consistent with their compliance obligations, take advantage of the changes in the Federal consumer credit disclosure requirements. And second, it functions as a cost-effective procedural means by which outstanding FTC Truth-in-Lending orders can be updated to reflect the changes in the current law.

The enforcement policy statement articulates four principles and addresses the compliance obligations of affected

creditors within two timeframes. In order to provide creditors an adequate transition period, the current and the revised regulations are concurrently effective from April 1, 1981, until October 1, 1982. During this period, creditors may elect to comply with either the current or the revised regulation. Creditors may begin to comply with revised Regulation Z at any time during the transition period, but they must be in compliance by October 1, 1982. The policy statement sets forth the compliance alternatives of creditors subject to Truth-in-Lending orders during the transition period and after October 1, 1982.

The enforcement policy statement recognizes that many disclosure requirements imposed by existing FTC Truth-in-Lending orders have been deleted under revised Regulation Z. It clarifies that creditors under order no longer have to make disclosures required by the prior regulation which have been deleted by revised Regulation Z. However, creditors under order cannot take advantage of the simplified regulation's less burdensome disclosure requirements without also complying with the disclosure requirements which it imposes. Accordingly, the policy statement provides that once a creditor elects to comply with the revised regulation, a failure to comply with any new disclosure requirement not within the scope of the order will be considered a *de novo* violation of sec. 5 of the Federal Trade Commission Act (15 U.S.C. 45, as amended). Creditors under order must continue to comply with any non-Truth-in-Lending requirements of the order which have not been affected by the Simplification Act, or revised Regulation Z.

Because creditors have until October 1, 1982 to commence compliance with revised Regulation Z, the interpretation of Commission orders will depend on whether the creditors elect to continue in compliance with the current order or elect to comply with the revised regulation. During the transition period, if a creditor elects to continue in compliance with the order, the order will be interpreted and enforced as written, and the creditor must continue to comply with the order even though it may include provisions which have been eliminated under revised Regulation Z. Effective October 1, 1982, all creditors must be in compliance with revised Regulation Z, and at that time all Commission orders will be interpreted consistent with revised Regulation Z.

Staff Clarifications

Although the Commission views the principles articulated in the enforcement

policy statement as self-explanatory, the statement provides that any creditor under order may request an informal staff opinion clarifying its obligations thereunder. It indicates, however, that such requests should not take the form of formal petitions to modify the order. Requests for clarification should be made in writing and addressed to William S. Sanger, Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS

For the reasons set forth above, 16 CFR Part 14, Chapter I, is amended by adding a new § 14.16 as follows:

§ 14.16 Interpretation of Truth-in-Lending Orders consistent with the Truth-in-Lending Simplification and Reform Act and Revised Regulation Z.

Introduction

The Federal Trade Commission (FTC) has determined that there is a need to clarify the compliance responsibilities under the Truth-in-Lending Simplification and Reform Act of 1980 (Pub. L. 96-221, 94 Stat. 168) and revised Regulation Z (12 CFR 226, 46 FR 20848) of those creditors subject to final cease and desist orders issued prior to April 1, 1981, which require compliance with provisions of the original Truth-in-Lending statute and prior Regulation Z. Clarification is necessary because the Truth-in-Lending Simplification and Reform Act and revised Regulation Z significantly relax prior Truth-in-Lending requirements on which provisions of more than 300 outstanding orders are based. The policy statement provides that the Commission will interpret and enforce Truth-in-Lending provisions of all orders issued prior to April 1, 1981, so as to impose no greater or different disclosure obligations on creditors under order than are required generally of creditors under the new law.

Policy Statement

(a) All cease and desist orders issued by the Federal Trade Commission prior to April 1, 1981, which require compliance with provisions of the Truth-in-Lending Act (Title I, Consumer Credit Protection Act, 15 U.S.C. 1601) and Regulation Z (12 CFR 226) will be interpreted and enforced consistent with the amendments to Truth-in-Lending incorporated by the Truth-in-Lending

Simplification and Reform Act of 1980, and the revision of Regulation Z implementing the same, promulgated on April 1, 1981 (46 FR 20848) by the Board of Governors of the Federal Reserve System. Likewise, the Federal Reserve Board staff commentary to revised Regulation Z (46 FR 50288, October 9, 1981) will be read into interpretations of requirements of existing orders.

(b) During the period April 1, 1981, to October 1, 1982, revised Regulation Z and the prior regulation are concurrently effective. Creditors under order may begin complying with the revised regulation at any time during the transition period, but they must be in compliance by October 1, 1982. The compliance alternatives of creditors subject to Commission orders during the transition period and after October 1, 1982, are as follows:

(1) During the transition period, Truth-in-Lending provisions of existing orders will be interpreted as written until such time as the creditor elects to comply with revised Regulation Z.

(2) Any creditor which elects to comply with revised Regulation Z prior to October 1, 1982, must comply with all applicable requirements of the revised regulation. Thus, in any single credit transaction creditors under order cannot take advantage of the simplified regulations' less burdensome disclosure requirements without also complying with the new disclosure requirements.

(3) Effective October 1, 1982, or at any earlier time that a creditor elects to comply with revised Regulation Z, compliance with the simplified credit disclosure requirements will be considered compliance with the existing order; and,

(i) To the extent that revised Regulation Z deletes disclosure requirements imposed by the order, compliance with these requirements may be eliminated; however,

(ii) To the extent that revised Regulation Z imposes additional disclosure or format requirements, a failure to comply with the added requirements will be considered a violation of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(4) A creditor must continue to comply with all provisions of the order which do not relate to Truth-in-Lending requirements or are unaffected by revised Regulation Z. These provisions are not affected by this policy statement and will remain in full force and effect.

Staff Clarifications

The Commission intends that this Enforcement Policy Statement obviate the need for any creditor to file a petition to reopen and modify any

affected order under § 2.51 of the Commission rules of practice. However, the Commission recognizes that the policy statement may not provide clear guidance to every creditor under order. The staff of the Division of Enforcement, Bureau of Consumer Protection, will respond to written requests for clarification of any order affected by this policy statement.

(Secs. 5, 18, 23; 38 Stat. 719-721, as amended by Pub. L. 96-252, 94 Stat. 374, 376, 390; 15 U.S.C. 45, 57a, 57b-4; sec. 108(d), 82 Stat. 146, 150, as amended by Pub. L. 96-221, 94 Stat. 168, 15 U.S.C. 1601, 1607d)

Issued: March 22, 1982.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 82-8599 Filed 3-29-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82-10-000]

Order Suspending Filing of the Form No. 12, "Power System Statement"

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission suspends, until further notice, the filing due May 1, 1982 and any future filings of the Form No. 12, "Power System Statement", prescribed by 18 CFR 141.51. The current filing requirements are the subject of a rulemaking proceeding to revise them. The filings are, therefore, suspended until after the rulemaking is completed.

EFFECTIVE DATE: March 24, 1982.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 8104-B, Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION: On January 11, 1982, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking to revise its Form No. 12, "Power System Statement" and the corresponding regulations at 18 CFR 141.51 (47 FR 329, January 15, 1982). Under the current requirements, Form No. 12 is to be filed with the Commission on or before May 1st of each year. Any revisions to Form No. 12 adopted by the Commission in a final rule will not be made in time to

provide adequate notice to those who must file the form to meet the May 1st deadline. Therefore, the Commission suspends the filing of Form No. 12 until after a final rule concerning the form is issued. In the final rule, the Commission will allow at least 60 additional days to complete and submit the required report.

The Commission Orders

The May 1982 and future filings of the Form No. 12, "Power System Statement", prescribed by 18 CFR 141.51, are suspended until further notice.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-8463 Filed 3-29-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Social Security; Limitation on Survivor's Benefits and Payments to Persons Who Intentionally Cause the Death of a Worker on Whose Earnings Record the Benefits and Payments are Based

AGENCY: Social Security Administration, HHS.

ACTION: Interim rules.

SUMMARY: These regulations reflect a change in SSA policy. This policy prohibits benefit payments to any survivor who is found to have intentionally caused the death of the worker on whose earnings record the benefit payments are based. It provides for uniform treatment of juveniles and adults in these homicide cases and is consistent with the well-established principle that an individual should not profit directly from intentionally causing another person's death.

DATES: These regulations are effective on an interim basis beginning March 30, 1982. We will consider any comments we receive by June 1, 1982, before finalizing these regulations.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or deliver them to the Office of Regulations, Social Security Administration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on

regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Ms. Clara Barrett Powell, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7459.

SUPPLEMENTARY INFORMATION: These regulations reflect a change in SSA policy that a child who is found to have intentionally caused the death of a parent or spouse may not collect Social Security benefits based on that person's earnings. Prior policy denied survivor's payments only to persons finally convicted of a felony for intentionally causing a worker's death. In most jurisdictions, no conviction of a felony is possible for individuals who are under the jurisdiction of the juvenile court system. On that basis, the Social Security Administration has paid benefits to children in this category who otherwise qualified for benefit payments.

These regulations also remove the term "finally" before "convicted" in the existing regulations to make clear, both with respect to adults and juveniles, that benefit payments will not be made beginning with the month a court pronounces a conviction and withholding of the benefits or payments will continue unless and until the conviction is reversed.

Provisions of the Regulations

The major portion of this regulation deals directly with juveniles and reflects our policy that an individual subject to the juvenile justice system may not become entitled to, or continue to receive, benefit payments based on the earnings record of the deceased person if he or she has been found by a court of competent jurisdiction to have intentionally caused that person's death by committing an act which, if committed by an adult, would have been considered a felony or an act in the nature of a felony.

The regulations also clarify our rules of administrative finality with respect to individuals involved in proceedings arising out of the intentional killing of the worker in the juvenile justice system to treat such individuals in the same way as adults convicted of the felonious homicide of the worker.

In addition, we are also removing the term "finally" before "convicted" in the existing regulations in order to make

clear with respect to adults and juveniles that benefit payments will not be made beginning with the month a court pronounces a conviction and withholding of the benefits or payments will continue unless and until the conviction is reversed. In situations involving reversals, the rules of administrative finality in § 404.988 will apply.

Interim Rule

We are publishing these amendments to the regulations as interim rules. These rules reflect a change in SSA policy which applies to juvenile rules based on the well-established principle that an individual should not profit from intentionally causing another person's death. As provided by the Administrative Procedure Act (5 U.S.C. 553(b)(B)), we find that publication of a notice of proposed rulemaking (NPRM) is "contrary to the public interest" because the already widely manifested interest of the public in prompt effectuation of this change would be defeated by any requirement of advance notice. However, in issuing these interim rules, we are providing opportunity for public comment and will consider any comments we receive before drafting final regulations.

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 do not have a significant impact on small entities because they affect only individuals. Consequently, we have determined that a regulatory flexibility analysis as provided by Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

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

(Secs. 205, 1102, Social Security Act; 49 Stat. 624 and 647; (42 U.S.C. 405, 1302))

(Catalog of Federal Domestic Assistance Program No. 13.805 Social Security Survivor's Insurance)

Dated: February 17, 1982.

John A. Svahn,
Commissioner of Social Security.

Approved: March 16, 1982.

Richard S. Schweiker,
Secretary of Health and Human Services.

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

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

1. In § 404.305, paragraph (b) is revised to read as follows:

§ 404.305 When you may not be entitled to benefits.

(b) *Insured's death caused by an intentional act.* You may not become entitled to or continue to receive any survivor's benefits or payments on the earnings record of any person if you were convicted of a felony or an act in the nature of a felony for intentionally causing that person's death. If you were subject to the juvenile justice system, you may not become entitled to or continue to receive survivor's benefits or payments on the earnings record of any person if you were found by a court of competent jurisdiction to have intentionally caused that person's death by committing an act which, if committed by an adult, would have been considered a felony or an act in the nature of a felony.

2. In § 404.988, paragraph (c)(9) is revised to read as follows:

§ 404.988 Conditions for reopening.

(c) At any time if—

(9) It finds that you are entitled to monthly benefits or to a lump-sum death payment based on the earnings of a deceased person, and it is later established that (i) you were convicted of a felony or an act in the nature of a felony for intentionally causing that person's death; or (ii) if you were subject to the juvenile justice system, you were found by a court of competent jurisdiction to have intentionally caused that person's death by committing an act which, if committed by an adult, would have been considered a felony or an act in the nature of a felony.

[FR Doc. 82-8503 Filed 3-29-82; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration**21 CFR Part 5****Delegations of Authority and Organization; Revised Organization; Correction****AGENCY:** Food and Drug Administration.**ACTION:** Final rule; correction.

SUMMARY: The Food and Drug Administration is correcting a document that revised the regulation setting forth its organization structure. One of the office addresses was incorrect.

EFFECTIVE DATE: March 2, 1982.**FOR FURTHER INFORMATION CONTACT:**

Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-4892 appearing at page 8761 in the issue for Tuesday, March 2, 1982, the following change is made: In § 5.100 Headquarters (21 CFR 5.100), on page 8763, first column, under "Region VII," change the entry reading "St. Louis Station Office: Rm. 755, 1114 Market St., St. Louis, MO 63101" to read "St. Louis Station Office: 808 North Collins St., St. Louis, MO 63102."

Dated: March 25, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-8527 Filed 3-29-82; 8:45 am]

BILLING CODE 4160-01-M**21 CFR Parts 446 and 450****[Docket No. 76N-0198]****Antibiotic and Antibiotic-Containing Drugs; Histamine Test Method; Correction****AGENCY:** Food and Drug Administration.**ACTION:** Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the antibiotic drug regulations by adopting the United States Pharmacopeia (USP) XX procedure used for testing antibiotic drug samples for histamine and by changing the word "histamine" to the phrase "depressor substances" to be consistent with the amendment.

EFFECTIVE DATE: January 11, 1982.**FOR FURTHER INFORMATION CONTACT:**

Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-35166 appearing in the issue for Friday, December 11, 1981 (46 FR 60567), the following changes are made:

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

1. The amendment to Part 446, appearing under item 4. on page 60568, is corrected by changing the reference to "§ 446.281(a)(3)(i)(a);" to read "§ 446.281c(a)(3)(i)(a);" and by adding directly after it the phrase "§ 446.281d(a)(1) and (3)(i)(b) and (b)(5);".

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

2. The amendment to Part 540, appearing under item 6. on page 60568, is corrected by changing the reference to "§ 450.10a(a)(1)(v) and (3)(i);" to read "§ 450.10a(a)(1)(v) and (3)(i) and (b)(5);".

Dated: March 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-8526 Filed 3-29-82; 8:45 am]

BILLING CODE 4160-01-M**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Ch. I****Redesignation Table for Chapter I Title 25—Indians**

March 23, 1982.

AGENCY: Bureau of Indian Affairs, Interior.**ACTION:** Final rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is publishing a final rule document which redesignates numerous Parts presently compiled in Chapter I of Title 25 of the Code of Federal Regulations. The new realignment of Chapter I will assemble broad subjects, now appearing in numerous Subchapters of Chapter I, into uniform Subchapters under precise headings, enabling the public to locate subject matter more easily.

EFFECTIVE DATE: March 30, 1982.**FOR FURTHER INFORMATION CONTACT:**

Ronal D. Eden, Bureau of Indian Affairs, Division of Management Research and Evaluation, Washington, D.C. 20245, telephone number (202) 343-7684.

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

The present alignment of numerous Parts of Chapter I, Title 25 is unsatisfactory and confusing because all similar Parts are not listed under relevant Subchapters.

Part 221, Operation and Maintenance Charges, is listed under a Subchapter designated as Operation and Maintenance instead of under a subchapter more suitable for irrigation. All the parts listed under Subchapter S, Construction, are erroneously designated. These Parts deal with reimbursements of construction charges paid previously by the Federal Government and are hereby redesignated under a more appropriate Subchapter (Financial Activities) in this document.

All Parts for Fish and Wildlife are consolidated under an appropriate Subchapter. Numerous other Parts were placed incorrectly under various Subchapters throughout Chapter I and are hereby redesignated under more appropriate Subchapters. Parts 1 and 2 remain the same under Subchapter A, Procedures and Practices. Part 259, Preference in Employment, is moved from Subchapter W to Subchapter A and is renumbered as Part 5. Parts 11, 12 and 13 remain the same under Subchapter B, Law and Order. Parts 15, 16, and 17 remain the same under Subchapter C, Probate.

Parts 20, 21, 22, and 23 remain the same except that Subchapter D, previously title Social Welfare, is retitled as Human Services. Part 34, Administration of a program of vocational training for adult Indians, is moved from Subchapter E, Education, to Subchapter D. Subchapter E, Education, remains the same except for changing Part 34, as noted above, and renumbering all remaining Parts.

Subchapters F, Enrollment, and G, Tribal Government, are consolidated under Subchapter F, Tribal Government, and all Parts are renumbered accordingly. Subchapter I, Credit Activities; J, Fiscal and Financial Affairs; S, Construction, and Parts 251, 252 and 254 listed under Subchapter W, Miscellaneous Activities, are hereby consolidated under Subchapter G, Financial Activities; and all Parts are renumbered accordingly. All Parts listed under Subchapter K, Patents, Allotments and Sales; one Part (131) listed under Subchapter L, Leasing and Permitting; all Parts listed under Subchapter M, Forestry; all Parts listed under Subchapter N, Grazing; two Parts (161, 162) listed under Subchapter O, Rights of Way; all Parts listed under Subchapter R, Irrigation; one Part (221) listed under Subchapter T, Operations

and Maintenance; and all Parts listed under Subchapter U, Electric Power System; and one Part (257) listed under Subchapter W, Miscellaneous, are hereby consolidated under a new Subchapter H, titled Land and Water, and are renumbered accordingly.

All Parts listed under Subchapter P, Mining; and Q, Oil and Gas, are consolidated under a newly designated Subchapter I titled Energy and Minerals. Parts 88, 89 and 90 listed under Subchapter H, Economic Enterprises; and Parts 255, 256 and 258 listed under Subchapter W, Miscellaneous, are hereby consolidated under a newly designated Subchapter J, Fish and Wildlife. Part 261, Housing Improvement Program, is moved from Subchapter X, Housing, to Subchapter K, Housing, and is renumbered accordingly.

Part 132, Preservation of Antiquities, listed under Subchapter L, Leasing and Permitting; and Part 163, Establishment of roadless and wild areas on Indian reservations, listed under Subchapter O, Rights-of-Way-Roads, are consolidated under a new Subchapter L, Heritage Preservation, and are renumbered accordingly. Subchapter Y, Indian Self Determination and Education Assistance Act Programs, is relettered as Subchapter M with no changes made to the title of the Subchapter or numbering of the Parts. Part 80, Indian Business Development Program, listed under Subchapter H, Economic Enterprises, is moved to Subchapter N, Economic Enterprises, and is renumbered accordingly. Subchapter W, Miscellaneous Activities, is relettered as Subchapter O.

Normally, it is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process.

Since the Bureau of Indian Affairs is only redesignating the Parts of Chapter I of 25 CFR, it is determined that the normal notice and public procedure would be impracticable and unnecessary and they are hereby dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970). Since this document contains only administrative changes, the 30 day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). For the same reasons this document is exempt from the provisions of E.O. 12291. Accordingly, this document will become effective upon March 30, 1982.

The primary author of this document is Michael G. Abretski, Management Analyst, Bureau of Indian Affairs, Washington, D.C., telephone number (703) 235-2517.

Chapter I of Title 25 of the Code of Federal Regulations is assigned new subchapters A-D and all Parts of Chapter I are hereby redesignated as follows:

Former part No.	New part No.
Subchapter A.—Procedures and Practices	
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2	2
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Subchapter B.—Law and Order	
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12	12
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Subchapter C.—Probate	
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16	16
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Subchapter D.—Human Services	
20	20
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22	22
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Subchapter E.—Education	
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43n	72
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48	76
52	81
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54	83
55	84
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Subchapter G.—Financial Activities	
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107	116

Former part No.	New part No.
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Subchapter L.—Heritage Preservation	
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Subchapter M.—Indian Self-Determination and Education Assistance Act Program	
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Former part No.	New part No.
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Subchapter N.—Economic Enterprises	
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SUBCHAPTER O—MISCELLANEOUS [Reserved]

Kenneth Smith,
Assistant Secretary—Indian Affairs.

[FR Doc. 82-8495 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-99; Ref: Notice No. 380]

Leelanau Peninsula Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Leelanau County, Michigan, to be named "Leelanau Peninsula." This final rule is the result of a petition submitted by Mr. Lawrence Mawby, proprietor of the L. Mawby Vineyards/Winery in Suttons Bay, Michigan. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Leelanau Peninsula as a viticultural area and its subsequent use as an appellation of origin in wine labeling and advertising will allow local wineries to better designate their specific grape-growing area and will enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to

be used as an appellation of origin in wine labeling and advertising.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned to establish a viticultural area to be named "Leelanau Peninsula." In response to this petition, ATF published a Notice of Proposed Rulemaking, No. 380, in the *Federal Register* on August 5, 1981 (46 FR 39852), proposing the establishment of the "Leelanau Peninsula" viticultural area.

Comments

Seven comments were submitted in response to the notice. The comments were submitted by: the Leelanau County Board of Commissioners, as Resolution Number 21-81; a customer of one of the local wineries within the proposed area; a local winery; a horticulturist from Michigan State University; Mr. Leon Adams, author of *The Wines of America*; The Association of American Vintners and one of the first commercial grape growers in the proposed area. All of these commenters supported the petition for the viticultural area, as proposed.

Historical and Current Evidence of the Name

The name of the area, Leelanau Peninsula, was well documented in the petition as an area which has been associated with fruit-growing for over 100 years. More recently, the area has been identified as a distinctive grape-growing region which contains four wineries.

These wineries have approximately 120 acres of bearing French hybrid and Vinifera grapes. An additional 25-30 acres of these varieties have been planted.

The petitioner furnished information which documented the name Leelanau (initially spelled Leelinau) as first appearing in written records of the State of Michigan in 1840 as a result of a treaty with the Indians. In the 1836 Treaty of Washington, the upper western half of the State's lower peninsula was ceded by the Indians to the State of Michigan. The Leelanau area was officially designated as a county in 1862.

After evaluating the information contained in the petition and the written comments, ATF believes the historical and current evidence supports the name of the viticultural area as being a distinct grape-growing region.

Geophysical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish it from surrounding areas.

The Leelanau Peninsula was formed by glacial action and is distinguishable on three sides by natural features; Lake Michigan on the west and north, and the West Arm of Grand Traverse Bay on the east.

One comment stated that: "The moderating effect of Lake Michigan delays fruit development in the spring generally beyond the most serious frost period and then prevents sudden drops in temperature in the fall. This area of Michigan also receives considerable winter snowfall which generally prevents the soil from freezing, thus preventing fruit tree and vine crop root injury." The petitioned area contains microclimates which support varieties of French hybrid and Vinifera winegrapes.

The soils in the proposed area vary widely, as is always the case when land is formed by glacial action and deposits. The soil levels consist of granite and limestone bedrock, clay subsoils, with sand and gravel loam surface soils. This area is characterized by large deep inland lakes which add an additional moderating effect to the climate, high-rolling and heavily-timbered hills in the north, and undulating plateaus in the south which rise 250 to 400 feet above Lake Michigan.

The Leelanau Peninsula and the Old Mission Peninsula to the east, comprise one of Michigan's two wine grape regions. The other region is located approximately 200 miles south along the Lake Michigan shore. These two regions are distinguishable by an average 20 day difference in the number of frost-free growing days which relates to an approximate difference of 400-500 cumulative growing-degree days (2300 degree days in the Leelanau area and 2800 degree days in the southern area).

Based on the information contained in the petition and comments received pertaining to the geographical, climatic and soil features, ATF has determined that the proposed area is distinguishable from the surrounding area.

Boundaries

The boundaries, as proposed, were established by the use of natural features on three sides; Lake Michigan

on the west and north, and the West Arm of Grand Traverse Bay on the east. The Leelanau-Grand Traverse county line was the southern boundary.

Based on the evidence submitted with the petition, ATF has determined that the proposed boundaries sufficiently delineate the viticultural area from surrounding areas and, therefore, the boundaries are being adopted as proposed. This viticultural area encompasses 330 square miles. Furthermore, while ATF believes that viticultural boundaries based on political boundaries or man-made features are inappropriate, where political boundaries, such as the southern boundary line (Leelanau-Grand Traverse County line), closely approximate natural features, or where they provide a demarcation line from grape-growing areas as opposed to areas unsuitable for grape-growing, it is acceptable to use political boundaries or man-made features in describing the boundaries.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that if promulgated as a final rule, it will not have a significant impact on a substantial number of small entities. Therefore, the requirement contained in the Regulatory Flexibility Act (5 U.S.C. 604) for a final regulatory flexibility analysis shall not apply to this final rule.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Miscellaneous

ATF is approving this area as being viticulturally distinct from surrounding areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer

acceptance of Leelanau Peninsula wines.

Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.40. As amended, the table of sections reads as follows:

* * * * *

9.40 Leelanau Peninsula.

Par. 2. Subpart C is amended by adding § 9.40 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.40 Leelanau Peninsula.

(a) *Name.* The name of the viticultural area described in this section is "Leelanau Peninsula."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Leelanau Peninsula viticultural area are four U.S.G.S. maps. They are entitled:

(1) "Empire Quadrangle, Michigan," 15 minute series;

(2) "Maple City Quadrangle, Michigan," 15 minute series;

(3) "Traverse City Quadrangle, Michigan," 15 minute series; and

(4) "Northport Quadrangle, Michigan," 15 minute series.

(c) *Boundaries.* The Leelanau Peninsula viticultural area encompasses all of Leelanau County, Michigan, excluding the offshore islands.

Signed: February 17, 1982.

G. R. Dickerson,

Director.

Approved: March 15, 1982.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 82-8448 Filed 3-29-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 543

Instruction of Civilians in Marksmanship

AGENCY: Army Department, DOD.

ACTION: Final rule.

SUMMARY: Army Regulation 920-20 implements the provisions of Title 10, U.S.C., sections 4308 and 4311 for the instruction of civilians in marksmanship. Revision is necessitated by recent decisions of the National Board for the Promotion of Rifle Practice extending the age groups eligible for participation and procedures governing annual reporting procedures, which will authorize greater participation and simplify processing of enrollment applications and reporting procedures. The proposed rule was published in the *Federal Register*, Vol. 47, No. 4, Thursday, January 7, 1982 (47 FR 822). No comments from the public were received.

DATES: Effective March 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Colonel Jack R. Rollinger, Director of Civilian Marksmanship, Room 1205, Pulaski Bldg., 20 Massachusetts Avenue, NW., Washington, DC 20314; (202) 272-0810.

John O. Roach II,

Liaison Officer with the Federal Register.

PART 543—PROMOTION OF RIFLE PRACTICE

Accordingly, 32 CFR Part 543 is revised to read as set forth below:

Subpart A—General

- Sec.
- 543.1 Purpose.
 - 543.2 Applicability.
 - 543.3 References.
 - 543.4 Authority.
 - 543.5 Responsibilities.
 - 543.6 Eligibility limitations.

Subpart B—Organization and Enrollment of Shooting Clubs

- 543.7 Junior clubs.
- 543.8 Junior and senior clubs.
- 543.9 Enrollment.

Subpart C—Provision of Arms, Ammunition, Targets, and Related Equipment

- 543.10 Issue of Government-owned material.
- 543.11 Sale of Government-owned material.
- 543.12 Clubs located on military reservations.

Subpart D—Marksmanship Training Requirements.

- 543.13 Training.
543.14 Qualification courses.

Subpart E—Administrative Procedures

- 543.15 Annual statistical report of civilian rifle clubs.
543.16 Bonds.
543.17 Care and safekeeping of arms, ammunition, and equipment.
543.18 Defective ammunition.
543.19 Other defective equipment.
543.20 Transportation of equipment.

Subpart F—Civilian Use of Government Rifle Ranges

- 543.21 Application for use of ranges.
543.22 Range control.
543.23 Arms and ammunition.
543.24 Record practice for qualification.
543.25 Denial of privileges.

Subpart G—Civilian Marksmanship Support Other Than Through DCM-Affiliated Clubs

- 543.26 Authorized organizations.
543.27 Procedures.
Authority: Sec. 4308, 70A Stat. 236; 10 U.S.C. 4308, unless otherwise noted.

Subpart A—General**§ 543.1 Purpose.**

This AR governs the Secretary of the Army's (SA) program for promoting marksmanship training with rifled arms among citizens of the United States.

§ 543.2 Applicability.

This AR applies to the Active Army, the Army National Guard, and the Army Reserve. It applies to all operations related to United States civilian rifle clubs.

§ 543.3 References.

AR 725.1 (Special Authorization and Procedures for Issues, Sales, and Loans) is a required publication. (Cited in § 543.11 (a) and (b).)

§ 543.4 Authority.

Table 1 explains authorization for the conduct of a program to promote practice in the use of rifled arms by able-bodied citizens.

§ 543.5 Responsibilities.

The Director of Civilian Marksmanship (DCM) has management control of the program and provides support and assistance to civilian shooting clubs participating in the program. (See Subpart B and G.)

§ 543.6 Eligibility limitations.

Except for ROTC students in high schools and junior high schools which do not receive marksmanship training materials from the Armed Forces, the following are not eligible to take part in the civilian marksmanship program: Members of—

- (a) The Armed Forces of the United States;
(b) The U.S. Army Reserve;

- (c) The Army National Guard; and
(d) The Reserve Officers Training Corps.

TABLE 1.—AUTHORITY

Line	A	B	C
	Action	Limitations	Authority
1	The SA is authorized to conduct a program for promoting practice in the use of rifled arms by citizens of the United States. This includes classes of instruction and the issue of arms, ammunition, and other necessary supplies.	This action must be within the limits of available funds and pursuant to rules approved by the SA upon the recommendation of the NBPFP (National Board for the Promotion of Rifle Practice).	Section 4308 of Title 10 United States Code (10 U.S.C. 4308).
2	All rifle ranges constructed in whole or in part with Federal funds may be used by citizens of the United States.	Users must abide by regulations prescribed by authorities controlling these ranges. The SA must have approved the use.	10 U.S.C. 4309(b).
3	The position of Director of Civilian Marksmanship (DCM) is authorized. (The position of DCM is established in AR 920-15).		10 U.S.C. 4307.

Subpart B—Organization and Enrollment of Shooting Clubs**§ 543.7 Junior clubs.**

To be eligible for the marksmanship program, clubs must have—

- (a) At least ten members, ages 10-20 inclusive. (Undergraduate members of a club organized from among the students of a college or university under 27 years of age may be counted.) In this regulation, they are referred to as "eligible junior members."

- (b) At least three responsible adult leaders, formally named in the club organization, who supervise the eligible junior members in all aspects of this program. They must be U.S. citizens. At least one of these leaders must be a marksmanship instructor with qualifications acceptable to the DCM.

- (c) A range, or access to a range, having adequate facilities for each eligible junior member to fire for practice at least four times a year and for record at least once a year.

§ 543.8 Junior and senior clubs.

- (a) A club may enroll as a Senior Club if it—

- (1) Has a membership of ten or more U.S. citizens who are more than 20 years old.
(2) Meets all eligibility requirements of § 543.7.

- (b) The eligible junior members of a Senior Club may be identified as its "Junior Division."

§ 543.9 Enrollment.

- (a) Forms. Clubs will apply for enrollment to the DCM on the forms listed in paragraphs (A)(1) through (8) of this section. Request these forms from the Director of Civilian Marksmanship, Department of the Army, WASH D.C. 20314.

- (1) DA Form 1271 (Application for Enrollment of a Civilian Rifle Club).

- (2) DA Form 1272 (Bond Application for Civilian Rifle Club).

- (3) DA Form 1273 (Requisition for Articles Authorized for Issue to Civilian Rifle Clubs). Attach a description of the club's methods and facilities for keeping arms and ammunition safe.

- (4) DA Form 1274 (Description of Available Range Facilities for Civilian Rifle Clubs).

- (5) ODCM Form 137 (Roster of Club Members).

- (6) DD Form 1584 (DOD National Agency Check Request). Prepare one for each adult leader and club officer.

- (7) FD Form 258 (Fingerprint Card). Prepare one for each adult leader and club officer.

- (8) ODCM Form 138 (Assurance of Compliance with Title VI Civil Rights Act of 1964).

- (b) Authority. Clubs will submit the following with the application: The name, title, and address of at least one local or State law enforcement officer to whom the club is known.

- (c) Verification. The DCM will have DD Forms 1584 and FD Forms 258 checked by U.S. Government agencies or local law enforcement agencies to insure that support of the club does not constitute a violation of the law. Clubs cannot be affiliated with the program until this check is completed. After a club is affiliated, each new person elected to office will be required to submit DD Form 1584 and FD Form 258.

- (d) Denial and appeal of denial.

- (1) Affiliation will be denied if an adult member or a club officer—

- (i) Has a history of mental illness.
(ii) Is considered unqualified for any reason to supervise a youth program in marksmanship training.

(iii) Has been convicted of or has charges pending against him or her for—

(A) A crime for which the maximum penalty by law is imprisonment exceeding one year.

(B) A crime involving an assault against a person.

(C) A crime involving the use of firearms.

(D) A violation of Federal, State, or local firearms regulations.

(2) When affiliation is denied, the DCM will provide the reason.

(3) The club may submit added facts to justify approval.

(e) Revocation. Membership may be revoked and Government property recovered by the DCM if for two consecutive years a club fails to meet organizational requirements or fails to conduct and report the marksmanship training program as described in Subpart E § 543.15(h).

Subpart C—Provision of Arms, Ammunition, Targets, and Related Equipment

§ 543.10 Issue of Government-owned material.

(a) General. Clubs that are affiliated and continue to comply with the provisions of this regulation may be issued marksmanship training materials. All issues are subject to limitations of available resources and may be reduced or suspended at any time. All Government property is issued to affiliated clubs, not to individuals, and is to be used solely for supporting the club's organized marksmanship training program. Club leaders and officials will insure that the property is used only for this purpose. Sale, barter, exchange, or private use of Government property issued under this regulation is prohibited.

(b) Issue and retention of rifles. Each newly affiliated Junior Club will be initially issued four training or match grade caliber .22 rifles, with sights but without other auxiliary equipment for ten members, plus one rifle for each additional five juniors in excess of ten. However, the total number of rifles issued will not exceed ten for any club unless fully justified by the club and approved by the DCM. After submission of the club's first annual report (§ 543.15(a)(2)), additional rifles may be requested to support club growth and/or allowances for eligible senior members (paragraph (d) of this section). Only eligible members who during the preceding year fired and reported a qualification course in accordance with § 540.14 and § 543.15. When there is a reduction in the number of members eligible to be counted, as shown in

annual reports, the DCM may initiate action to withdraw rifles in excess of the quantities shown.

(c) Issue of ammunition targets. A newly enrolled club will be issued 300 rounds of caliber .22 ammunition for each eligible junior member. After submission of the club's first annual report, it will be issued 300 rounds of caliber .22 ammunition for each eligible junior member who during the preceding year fired and reported a qualification course in accordance with § 543.14 and § 543.15. Similarly, issues for succeeding years will be made, not to exceed 300 rounds for each eligible junior member, as long as the club remains affiliated and in good standing. Appropriate targets, as available, will also be issued.

(d) Issue of rifles to Senior Clubs. Participation of Senior members is considered the best source of competent instruction and responsible leadership for junior members. Affiliated Senior Clubs are authorized four training or match grade (if available) caliber .22 rifles. Additionally, four caliber .30 service rifles for ten members, plus one additional caliber .30 rifle for each additional five members not to exceed eight rifles, are authorized. For Senior Clubs having a junior division, these allowances are in addition to those authorized in § 543.6. The issue of ammunition and targets is authorized for senior members as available.

(e) Requisitions for issue of material. Clubs will forward requests for issue of material to the DCM. A bond covering the cost of nonexpendable Government property is required. (See § 543.16)

§ 543.11 Sale of Government-owned material.

(a) The Army may sell affiliated clubs the types of targets that are not available from commercial sources.

(b) DCM affiliated Junior Clubs and junior divisions of affiliated Senior Clubs may buy limited quantities of caliber .22 ammunition for use by junior members only. Other ammunition and components may also be purchased as available. The maximum quantities will be determined each fiscal year by the DCM.

(c) Clubs will submit purchase requests to the DCM who will forward approved request to the proper agencies for processing. The DCM will return disapproved requests with an explanation.

§ 543.12 Clubs located on military reservations.

Clubs located on military reservations are eligible to receive material assistance if they meet the eligibility requirements (§ 543.7) and are located in

the United States, Defense Complex Panama, Virgin Islands, or the Commonwealth of Puerto Rico.

Subpart D—Marksmanship Training Requirements

§ 543.13 Training.

Affiliated clubs must conduct an active rifle marksmanship training program (firing and nonfiring) for a reasonably permanent membership for at least nine months each year. This requirement cannot be fulfilled by training conducted only at summer camps unless the training conforms to a program approved for this purpose by the DCM.

§ 543.14 Qualification courses.

(a) Not less than once a year, each eligible junior member (§ 543.7(c)) and each senior member will fire, for record, a rifle course authorized in the current DCM qualification pamphlet. (Pamphlets are available from the DCM).

(b) Adult leaders must specify the qualification course to be fired. The specified course may be fired as many times during the season as the leaders may direct, but only the highest complete score of each individual will be reported (§ 543.15(g)(2)).

(c) A rifle course corresponding to a DCM approved course of fire that is fired in a match or tournament may be counted as the annual record firing of the individual concerned.

(d) Annual allowances of ammunition will not be increased to support the firing of record courses more than once. There are no restrictions on the type of ammunition used in firing a qualification course for record.

Subpart E—Administrative Procedures

§ 543.15 Annual statistical report of civilian rifle clubs.

(a) Purpose and scope. This report provides the basis for issuing—

(1) Appropriate certificates of qualification or badges to eligible club members.

(2) Additional equipment and ammunition.

(b) Preparing activities: Each affiliated club.

(c) Form supply. The DCM will provide DA Form 1277 (Annual Statistical Report of Civilian Rifle Club) and the forms listed in paragraph (g) of this section.

(d) Frequency: Annually.

(e) Period covered: 1 July of one year to 30 June of the following year.

(f) Due date, routing and number of copies: Send one copy of DA Form 1277

to DCM, DA, WASH DC 20314, by the established due date.

(g) Related requirements: Also send one completed copy/set of each of the following forms to the DCM with DA Form 1277:

(1) DA Form 1275 (Annual Inventory of U.S. Property Held by Civilian Rifle Clubs). Attach to this form a description of the club's procedures and facilities for the safekeeping of arms and ammunition.

(2) OSA Form 119 (Roster of Club Members). Identify each member required to fire annually (§ 543.14) and include: Full name; address; birthdate; DCM course; score; and target fire for record.

(h) Failure to report. If a club fails to submit requested reports by the due dates, further support may be denied or support may be withdrawn.

§ 543.16 Bonds.

As a condition for the issue of nonexpendable Government property, each club is required to file with the DCM a properly executed surety bond as prescribed in instructions provided by the DCM.

§ 543.17 Care and safekeeping of arms, ammunition, and equipment.

(a) Club officer and designated leaders of affiliated clubs are responsible for the care and safekeeping of Government property issued. This includes adequate measures—

(1) To maintain the property in serviceable condition;

(2) To prevent its use by unauthorized persons or its misuse; and

(3) To insure the safekeeping of arms in accordance with paragraph (g) of this section.

(b) Clubs may be denied affiliation, may be suspended, or may be removed from the rolls if the DCM considers safekeeping provisions inadequate.

(c) Clubs may modify caliber .22 rifles by installing accessory rails, improved front sights, etc., and by shortening the pull of the stock, to make the rifle easier for junior members to use. These alterations, however, must be professionally performed and must not make the rifle unserviceable if removed or restored. Requests for authorization for modifications must be approved by the DCM. Under no circumstances may the barrel be altered.

(d) If government property is lost, stolen, or otherwise unaccounted for, club officials must inform the DCM by telephone within 24 hours after detection of the loss or theft and notify local police and the Federal Bureau of Investigation (FBI).

(e) A lost or stolen Government firearm continues to be accountable Government property and thus remains permanently in Army and FBI records even though the cost is repaid.

(f) Arms issued to clubs by the DCM will include a receipt, in duplicate, which names the club to which issued and identifies each arm by service or commercial model designation, caliber, and serial number, together with principal accessories such as sights. These receipts are part of official Government records. Arms returned to the DCM or to a Government facility specified by the DCM will be covered by a letter providing this same information.

(g) The following additional rules govern the safekeeping of Government arms by clubs:

(1) Each club will designate a responsible senior member as official club custodian of arms on loan from the DCM.

(2) When arms issued by the DCM are received, the club custodian will—

(i) Verify the complete identification of each;

(ii) Sign and return to the DCM one copy of the receipt which accompanied the arms;

(iii) File a copy as part of the club's official records; and

(iv) Notify the DCM promptly if the receipt shows any discrepancy, so it can be resolved.

(3) The club custodian may issue DCM arms to the custody of individual adult club members if he or she has confirmed that the individuals concerned can provide the security required by this regulation. Such issue to individuals is encouraged, among other reasons in order to disperse the club inventory against planned theft.

(4) Issues by the club custodian to individual club members will be by hand-receipt prepared in duplicate. (The original of the signed receipt will be made a part of the club's official records, and the copy will be provided to the recipient). These forms will include a statement of the prescribed security measures, and, when filled in, will show—

(i) The club name and the name, address, and signature of recipient and complete identification of the arms including serial numbers and principal accessories such as sights; and

(ii) The name, address, and signature of the club official making the issue.

(5) The following security measures are prescribed for arms issued by the DCM when not in use:

(i) Arms may not be left unattended in view, or in containers readily recognizable as being intended for firearms, while in transit.

(ii) Arms may be stored in the homes of the club custodian and of individual members. Arms, as stored, must not be in view. They must be kept either in a locked container made of not lighter than 12-gauge metal that is secured to the structure of the residence or in a locked closet or room.

(iii) Arms may be stored in unoccupied facilities such as schools, clubs, or ranges if kept as prescribed in paragraph (g) of this section, and, in addition, if the facility has security surveillance by an alarm system or by local police or guards.

(iv) Not more than 20 DCM issued arms of all types, but not more than 12 service type rifles, may be stored in any one residence or facility other than a military or law enforcement facility.

(v) Storage, will, in addition, conform to local ordinances and regulations, if any.

(vi) Storage at a military or law enforcement facility is encouraged when deemed feasible by the club.

(vii) The club custodian will confirm, by physical inventory, the club's DCM issued arms, including serial numbers, for the required annual inventory, DA Form 1275.

§ 543.18 Defective ammunition.

(a) If unserviceable ammunition is received from DCM, a club—

(1) Will, within 30 days, send a request for replacement to Cdr, US Army Armament Materiel Readiness Command, Rock Island, IL 61201.

(2) Will include the following in their request:

(i) Nomenclature and lot number of the ammunition;

(ii) Date received and the shipper;

(iii) Quantity on hand for which replacement is desired; and

(iv) Reasons for requesting replacement.

(3) Will not send samples unless requested.

(b) The US Army Armament Materiel Development and Readiness Command will replace ammunition found to be defective on a round-for-round basis at no cost to the club.

(c) Clubs having unserviceable ammunition and no disposal facilities may return it to the supplying depot, with a written statement to the commanding officer relinquishing claim to the ammunition and requesting that it be accepted for disposition.

§ 543.19 Other defective equipment.

Clubs holding other equipment, including rifles that becomes unserviceable will report the equipment to the DCM. The DCM will advise the

club how to return the equipment. If the club is found responsible for the damage to the equipment, the extent of the damage will be determined and the DCM will require reimbursement by the club. Equipment returned may be replaced following any required payment. If the club is not responsible for the damage it will not have to pay for the equipment.

§ 543.20 Transportation of equipment.

Transportation of rifles, ammunition, and other supplies between Government depots and clubs will be as prescribed by the DCM.

Subpart F—Civilian Use of Government Rifle Ranges

§ 543.21 Application for use of ranges.

(a) For use of a range at which Regular Army personnel are stationed—

(1) A club official will send a request to the DCM.

(2) The DCM will validate the request and return it, together with a letter of approval, subject to local range regulations.

(3) The club official will then send a request for preferred dates to the controlling commanding officer (CO) (enclosing the DCM approval).

(4) The CO will—

(i) Approve the request if feasible.

(ii) Indicate dates the range will be available.

(iii) Advise the club where to report upon arrival at the range.

(5) The club official may make arrangements for further use of the range without going through the DCM.

(b) For use of a range at which Regular Army personnel are not stationed—

(1) A club official will send a request to the DCM.

(2) The DCM will—

(i) Request permission from the State Adjutant General or other agency concerned; and

(ii) Advise the club of the result.

(3) The club will arrange further details.

§ 543.22 Range control.

(a) Personnel.

(1) COs may detail people to supervise rifle practice. They will—

(i) Insure the proper use of Government property.

(ii) Enforce compliance with local safety and other regulations.

(2) COs may provide marksmanship coaches if requested and if qualified instructors are available.

(3) Clubs will furnish:

(i) Pit details;

(ii) Target handlers;

(iii) Road guards;

(iv) Scorers;

(v) Other needed personnel.

(b) Range material.

(1) COs will provide telephones (if available) for pit-to-firing line and similar communications.

(2) Either the installation or the club will provide regular targets and target frames.

(3) The club will provide material such as—

(i) Special targets;

(ii) Field glasses;

(iii) Telescopes; and

(iv) Score books.

(4)(i) The arms, ammunition, method of firing, and target arrangements may differ from military standards, provided safety precautions are observed.

(ii) Users will record the arrangement of the range, and restore this configuration after firing.

§ 543.23 Arms and ammunition.

Civilian organizations will furnish their own arms and ammunition.

§ 543.24 Record practice for qualification.

The commander controlling the range may designate one or more days when members of civilian organizations may participate in military record practice for qualification. Participating civilians will provide the necessary personnel to supervise and record the firing of the butts and firing point.

§ 543.25 Denial of privileges.

Controlling commanders may refuse the use of the range and installation to any person—

(a) Who willfully disobeys range rules.

(b) Whose conduct on the range or installation warrants such action.

(c) Whose knowledge of the principles of marksmanship is deficient to a degree of posing a safety hazard.

Subpart G—Civilian Marksmanship Support Other Than Through DCM Affiliated Clubs

§ 543.26 Authorized organizations.

Certain nonprofit civic groups may buy up to 300 rounds of caliber .22 ammunition for each eligible member aged 10 to 20 years who takes part in a marksmanship training program with approval by the DCM. Qualifying types of groups include summer camps, and marksmanship programs conducted by the YMCA, YWCA, Boy Scouts, and Girl Scouts.

§ 543.27 Procedures.

Qualifying groups will pay the acquisition cost plus packing, crating, and handling charges. They will submit

requests to the following who will forward approved requests to the proper agencies for processing: Director of Civilian Marksmanship, Department of the Army, Washington, DC 20314.

[FR Doc. 82-8497 Filed 3-29-82; 8:46 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Parts 402 and 403

Revision of Tariff of Tolls and Rules of Procedure of the Joint Tolls Review Board

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: The tariff of tolls for the use of the St. Lawrence Seaway which is established and administered jointly by the Saint Lawrence Seaway Development Corporation, United States, and the St. Lawrence Seaway Authority, Canada, was formally revised on March 18, 1982, by means of an international agreement in the form of an exchange of diplomatic notes between the Government of the United States and the Government of Canada. This agreement further amended the agreement between the governments dated March 9, 1959.

The effect of this revision is to raise the level of tolls assessed on all commodities and vessels which transit the Montreal to Lake Ontario section of the Seaway and to reestablish lockage fees at the Welland Canal section. Increases have been scheduled for both the 1982 and the 1983 navigation seasons and are necessary because of the increased costs being encountered by Seaway agencies in both countries, over the past few years.

Under the terms of the March 18, 1982 exchange of notes, the United States Corporation will continue to receive 29% of revenues generated on the Montreal to Lake Ontario section.

Additionally, the rules of procedure of the Joint Tolls Review Board have been revised and clarified.

EFFECTIVE DATE: This rule is effective March 18, 1982.

FOR FURTHER INFORMATION CONTACT: Robert D. Kraft, Director of Plans and Policy Development, Saint Lawrence Seaway Development Corporation, Department of Transportation, 800

Independence Avenue, SW.,
Washington, D.C. 20591, 202/426-2884.

SUPPLEMENTARY INFORMATION: On September 10, 1981, the Saint Lawrence Seaway Development Corporation published in the *Federal Register* (46 FR 45318) a notice of proposed changes in the rates of tolls for the use of the St. Lawrence Seaway prescribed in 33 CFR Part 402.

The proposed action was to raise the level of Seaway tolls on the Montreal to Lake Ontario section and reestablish lockage fees on the all-Canadian Welland Canal section. The proposal included levels of tolls to be assessed during both the 1982 and 1983 navigation seasons.

In the notice of September 10, 1981, interested parties were invited to submit written views and data regarding the proposal on or before October 23, 1981, and to present oral testimony at a public hearing held in Washington, D.C., on October 2, 1981. As a result, several comments were received from users of the Seaway regarding the proposed revision to the Joint Tariff of Tolls.

After consideration of the proposal, the comments of interested parties, the views of the Advisory Board of the Saint Lawrence Seaway Development Corporation and other relevant material, the Administrator of the Corporation and the President of the Canadian Authority held further discussions. These discussions led to an agreement between the Saint Lawrence Seaway Development Corporation of the United States and the St. Lawrence Seaway Authority of Canada on November 30, 1981, in which the two Seaway agencies recommended to their respective governments that the Joint Tariff of Tolls for the St. Lawrence Seaway be modified as proposed in the September 10, 1981 notice.

As a result of the increases, the average charge for moving a metric ton of cargo through the Montreal to Lake Ontario Section of the Seaway will increase about 15 percent in 1982; the average charge per metric ton through the Welland Canal Section, approximately 21 percent; with a resulting increase for traffic transiting both sections of about 18 percent per metric ton. In 1983 the average charge per metric ton will increase an additional 8 percent on the Montreal to Lake Ontario Section and 14 percent on the Welland Canal Section, or about 10 percent for combined transit.

The Joint Tolls Review Board is a United States-Canada panel which was established pursuant to the March 9, 1959 agreement between the governments. Originally known as the

Joint Tolls Advisory Board, its name was changed and it was given the additional responsibility of periodically reviewing the sufficiency of tolls to meet the needs of the two Seaway agencies as result of the 1978 amendment to that agreement. The amendments to the rules of procedure are not part of the formal agreement between the governments, but were developed during the course of the discussions leading to the revision of the Tariff of Tolls. The amendments clarify the purpose of the rules, reduce the number of copies of written material which must be submitted to the Joint Tolls Review Board, and correct the addresses of the two Seaway agencies.

This regulation involves a foreign affairs function of the United States, therefore Executive Order 12291 does not apply to this rulemaking and formal notice and public procedure thereon are unnecessary and it may be made effective upon publication in the *Federal Register*. The Saint Lawrence Seaway Development Corporation certifies that, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), this rule will not have a significant impact on a substantial number of small entities. Finally, the Corporation has determined that this rulemaking is not a major Federal action affecting the quality of the human environment under the National Environmental Policy Act and therefore an environmental impact statement is not required.

In consideration of the foregoing, Parts 402 and 403 of Chapter IV of Title 33, Code of Federal Regulations, are amended as follows:

PART 402—TARIFF OF TOLLS

Part 402 is revised to read as follows:

- | | |
|-------|---|
| Sec. | |
| 402.1 | Purpose. |
| 402.2 | Title. |
| 402.3 | Interpretation. |
| 402.4 | Tolls. |
| 402.5 | Security for payment. |
| 402.6 | Description and weight of cargo. |
| 402.7 | Post-clearance date operational surcharges. |
| 402.8 | Schedule of tolls. |
- Authority: 68 Stat 92-96, 33 U.S.C. 981-990. Agreement between Governments of the United States and Canada dated March 9, 1959, as amended in 1964, 1967, 1972, 1978, 1980 and most recently on March 18, 1982.

§ 402.1 Purpose.

This regulation prescribes the charges to be assessed for the full or partial transit of the St. Lawrence Seaway between Montreal, Quebec and Lake Erie.

§ 402.2 Title.

This tariff may be cited as the St. Lawrence Seaway Tariff of Tolls.

§ 402.3 Interpretation.

In this tariff.

(a) "Authority" means The St. Lawrence Seaway Authority;

(b) "Bulk cargo" means such goods as are loose or in mass and generally must be shovelled, pumped, blown, scooped or forked in the handling and, without limiting the generality of the term or otherwise affecting its meaning, shall be deemed to include:

- (1) Cement, loose or in sacks;
- (2) Coke and petroleum coke, loose or in sacks;
- (3) Domestic package freight;
- (4) Liquids carried in ships' tanks;
- (5) Ores and minerals (crude, screened, sized or concentrated, but not otherwise processed) loose or in sacks, including alumina, bauxite, coal, gravel, phosphate rock, sand, stone and sulphur;
- (6) Pig iron, scrap metals;
- (7) Pulpwood, poles and logs, loose or bundled;
- (8) Raw sugar, flour, loose or in sacks;
- (9) Woodpulp, loose or in bales;

(c) "Cargo" means all goods aboard a vessel whether carried as revenue or non-revenue freight, or carried for the vessel owner, *except*: empty containers and the tare weight of loaded containers, all such containers having a capacity of 18 cubic meters (635.665 cubic feet) or more; ships' fuel, ballast or stores, or crew or passenger's personal effects, and intransit cargo that is carried both upbound and downbound in the course of the same voyage which shall be reported in the Seaway Transit Declaration Form but is deemed to be ballast and not subject to toll assessment;

(d) "Containerized cargo" means any general cargo shipped in an enclosed, permanent, reusable, nondisposable, weathertight shipping conveyance having a capacity of 18 cubic meters (635.665 cubic feet) or more and fitted with a minimum of one hinged door;

(e) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(f) "Domestic package freight" means cargo, the shipment of which originates at one Canadian point and terminates at another Canadian point, or which originates at one United States point and terminates at another United States point, but shall not include any import or export cargo designated at the point of origin for transshipment by water at a point in Canada or in the United States;

(g) "Feed grains" means barley, corn, oats, flaxseed, rapeseed, soybeans and other oilseeds, grain screenings, and mill feed containing not more than 35% of ingredients other than grain or grain products;

(h) "Food grains" means buckwheat, dried beans, dried peas, rye, and wheat;

(i) "General cargo" means all goods not included in the definitions under paragraphs (b), (g), (h), and (j);

(j) "Government aid cargo" means processed food products which have been donated by or the purchase of which has been financed on concessional terms by the Federal government of either the United States or Canada for the purposes of nutrition, economic development, emergency, or disaster relief programs;

(k) "Metric ton" means, unless otherwise stated, a metric unit of weight of 1,000 kilograms (2204.62 pounds);

(l) "Passenger" means any person being transported through the Seaway who has paid a fare for passage;

(m) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers;

(n) "St. Lawrence Seaway" includes all facilities and services authorized under the St. Lawrence Seaway Authority Act, Chapter 242, Revised Statutes of Canada, 1952, as amended, and under Pub. L. 358, 83rd Congress, May 13, 1954, enacted by the Congress of the United States, as amended, and including the Welland Canal, which facilities are under the control and administration or immediate financial responsibility of either the Authority or the Corporation;

(o) "Seaway" means the St. Lawrence Seaway;

(p) "Tolls" means the total assessment levied against a vessel, its cargo and passengers for complete or partial transit of the Seaway covering a single trip in one direction;

(q) "Vessel" means every type of craft used as a means of transportation on water, except a vessel of or employed by the Authority or the Corporation.

§ 402.3 Tolls.

(a) The tolls shall be as set forth in the Schedule hereto, and the toll level reached in 1983 shall remain in effect thereafter until modified.

(b) The tolls under this tariff are due from the representatives of each vessel as soon as they are incurred, and upon demand of either the Authority or the Corporation payment shall be made within fourteen days of the date of such demand.

(c) The tolls for the section between Montreal and Lake Ontario shall be paid

71 percent in Canadian dollars and 29 percent in United States dollars.

Payments for transit through locks in Canada only shall be in Canadian dollars, and payments for transit through locks in the United States only shall be in United States dollars.

(d) the tolls for transit of the Welland Canal shall be paid in Canadian dollars and shall accrue to the Authority.

§ 402.5 Security for payment.

A representative of each vessel shall provide the Authority or the Corporation with security, satisfactory to the Authority or the Corporation, for payment of tolls.

§ 402.6 Description and weight of cargo.

(a) A cord of pulpwood shall be deemed to weigh 1,450 kilograms (3196.70 pounds).

(b)(1) 1,000 f.b.m. of sawn softwood lumber with less than 15% moisture content shall be deemed to weigh 770 kilograms (1697.56 pounds).

(2) 1,000 f.b.m. of sawn softwood lumber with 15% moisture content or over shall be deemed to weigh 950 kilograms (2094.39 pounds).

(3) 1,000 f.b.m. of sawn hardwood lumber with less than 15% moisture content shall be deemed to weigh 1,135 kilograms (2502.24 pounds).

(4) 1,000 f.b.m. of sawn hardwood lumber with 15% moisture content or over shall be deemed to weigh 1,405 kilograms (3097.49 pounds).

(c) The tonnage used in the assessment of tolls shall be calculated to the nearest 1,000 kilograms (2204.62 pounds).

§ 402.7 Post-clearance date operational surcharges

(a) If the Authority and the Corporation so determine, they may

§ 402.8 Schedule of tolls.

	Tolls			
	Montreal to or from Lake Ontario		Lake Ontario to or from Lake Erie (Welland Canal)	
	1982	1983	1982	1983
(a) For transit of the Seaway, a composite toll, comprising:				
(1) A charge in dollars per gross registered ton, according to national registry of the vessel, applicable whether the vessel is wholly or partially laden, or is in ballast. (All vessels shall have an option to calculate gross registered tonnage according to prescribed rules for measurement in either Canada or the United States)	0.075	0.08	0.07	0.07
(2) A charge in dollars per metric ton of cargo as certified on ship's manifest or other document, as follows:				
—Bulk cargo	0.79	0.85	0.31	0.31
—General cargo	1.91	2.06	0.50	0.50
—Containerized cargo	0.79	0.85	0.31	0.31
—Government aid cargo	0.48	0.52	0.31	0.31
—Food grains	0.48	0.52	0.31	0.31
—Feed grains	0.48	0.52	0.31	0.31
(3) A charge in dollars per passenger per lock: A charge in dollars per lock for complete or partial transit of the Welland Canal in either direction by cargo or passenger vessels, which may be shared by vessels in tandem	1.00	1.00	1.00	1.00

establish a clearance date for the transit of the Montreal-Lake Ontario section. Each vessel which does not comply with the conditions announced by the Authority and the Corporation in establishing the clearance date may be required to pay in dollars an operational surcharge as follows:

(1) Vessels reporting during the 24 hour period immediately following the clearance date: 20,000.00

(2) Vessels reporting more than 24 hours late, but less than 48 hours after the clearance date: 40,000.00

(3) Vessels reporting more than 48 hours late, but less than 72 hours after the clearance date: 60,000.00

(4) Vessels reporting more than 72 hours late, but less than 96 hours after the clearance date: 80,000.00

(b) The operational surcharge assessed vessels already at a port, dock or wharf within the St. Lambert-Iroquois Lock segment of the Montreal-Lake Ontario section at the clearance date shall be \$20,000 less than the amount otherwise applicable.

(c) Each vessel which reports more than 96 hours after the clearance date may transit only if a prior written agreement authorizing such transit has been entered into among the owner or agent of the vessel and the Authority and the Corporation. Such agreement may provide for additional operational surcharges.

(d) Assessed operational surcharges will be prorated on a per lock basis. Surcharges representing transit through United States locks will be for the account of the Corporation and payable in United States funds and surcharges representing transit through Canadian locks will be for the account of the Authority and will be payable in Canadian funds.

	Tolls			
	Montreal to or from Lake Ontario		Lake Ontario to or from Lake Erie (Welland Canal)	
	1982	1983	1982	1983
(i) Loaded: Per lock.....	NA	NA	150.00	250.00
(ii) In ballast: Per lock.....	NA	NA	75.00	187.50
(b) For partial transit of the Seaway:				
(1) Between Montreal and Lake Ontario, in either direction 15 percent per lock of the applicable toll.				
(2) Between Lake Ontario and Lake Erie, in either direction, (Welland Canal), 13 percent per lock of the applicable toll.				
(c) Minimum charge in dollars per vessel per lock transited for full or partial transit of the Seaway:				
—Pleasure craft.....	5.00	5.00	5.00	5.00
—Other vessels.....	10.00	10.00	10.00	10.00

ADDRESSES: Written comments should be addressed to Denise W. Pack, of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library System Branch,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460
Environmental Protection Agency,
Region IV, Air Programs Branch, 345
Courtland Street, NE., Atlanta,
Georgia 30365
Office of the Federal Register, 1100 L
Street, NW., Room 8401, Washington,
D.C. 20005.
Florida Department of Environmental
Regulation, Twin Towers Office
Building, 2600 Blair Stone Road,
Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT:
Denise W. Pack, EPA Region IV Air
Programs Branch at the above listed
address, phone 404/881-3286 (FTS 257-
3286).

SUPPLEMENTARY INFORMATION: On May
31, 1972 (37 FR 10858) the Administrator
approved the Florida State
Implementation Plan (SIP) to attain and
maintain the national ambient air
quality standards. Section III of this plan
contained provisions for the regulation
of air emission sources throughout the
State of Florida. The format of this
section, entitled "Rules of the State of
Florida, Department of Pollution
Control, Chapter 17-2, Air Pollution
Control," was initially revised and
retitled "Rules of the Department of
Environmental Regulation, Chapter 17-2,
Air Pollution," on July 1, 1976; this
revision of format was approved by EPA
on December 16, 1980 (45 FR 82632). The
State has again revised the format of
these regulations. The latest format was
adopted by the Florida Environmental
Regulation Commission on June 10, 1981.
During EPA's review of this revised
format, it was discovered that several
substantive changes have been made in
the regulations.

The following list compares the
regulation format approved by EPA on
December 16, 1980, with the current
format and definitions in Chapter 17-2
and identifies, section by section, the
old section number, new section number
and change made, if any.

PART 403—RULES OF PROCEDURE OF THE JOINT TOLLS REVIEW BOARD

2. Part 403 is amended as follows:

A. The Table of Contents to Part 403—Rules of Procedure of the Joint Tolls Review Board is amended by adding a new § 403.1 and redesignating the remaining sections and rule numbers as indicated in paragraph B below.

Sec.

403.1 Purpose of the Joint Tolls Review Board. (Rule 1).

§§ 403.1 (Rule 1)—403.10 (Rule 10) [Redesignated as §§ 403.2 (Rule 2)—403.11 (Rule 11).

B. Section 403.1 (Rule 1) through Section 403.10 (Rule 10) are redesignated as §§ 403.2 (Rule 2) through 403.11 (Rule 11), and a new § 403.1 (Rule 1) is added as follows:

§ 403.1 Purpose of the Joint Tolls Review Board. (Rule 1)

The Board shall hear complaints relating to the interpretation of the St. Lawrence Seaway Tariff of Tolls or allegations of unjust discrimination arising out of the operation of the said Tariff and shall conduct such other business as agreed to by the Board (Rule 1).

3. Redesignated § 403.4 is further amended by revising (b) and (c) as follows:

§ 403.4 Applications. (Rule 4)

(b) An applicant shall file six copies of his application setting forth a clear and complete statement of the facts the grounds for the complaint, and the relief or remedy to which the applicant claims to be entitled.

(c) Applicants resident in Canada shall file their complaints with the St. Lawrence Seaway Joint Tolls Reviews Board, Tower "A", Place de Ville, 320 Queen Street, Ottawa, Ontario K1R 5A3. Applicants resident in the United States of America shall file their complaints with the St. Lawrence Seaway Joint Tolls Review Board, 800 Independence Ave., SW., Washington, D.C. 20591. Other applicants may file their complaints with the Board at either address.

Issued in Washington, D.C., on March 24, 1982.

D. W. Oberlin,
Administrator.

[FR Doc. 82-8375 Filed 3-25-82; 12:26 pm]
BILLING CODE 4910-61-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-2072-1]

Approval and Promulgation of Implementation Plans—Florida; Reformatting of Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of Florida has revised the format of the rules and regulations portion of its State Implementation Plan. The revised format was adopted by the State on June 10, 1981. EPA is today announcing approval of the new format. This action will be effective on June 1, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This action will be effective on June 1, 1982.

Part I.—Definitions

The following definitions have been added to § 17-2.100:

1. Air Pollution.
2. Air Pollution Control Equipment.
3. Air Quality Control Region.
4. Ambient Air Quality Standard.
5. Construction.
6. Emission Point or Discharge Point.
7. Stack.
8. Unconfined Emissions.

The following definitions in § 17-2.100 have been amended:

1. Air Pollutant.
2. Emission Limiting Standard.
3. Existing Source.
4. New Source.

New section	Previous section(s)	Change
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Part II.—General Provisions

17-2.200	17-2.01	No change.
17-2.210	17-4.23, 17-2.20	Paragraph (1) is new language (see 40 CFR 51.18 and 51.24). Paragraph (2) incorporates certain provisions of § 17-4.23 and § 17-2.220. Paragraph (3) is new language.
17-2.220	17-2.091, 17-2.03(2)	Paragraph (1) incorporates provisions of § 17-2.091, and 40 CFR 51.58 and 51.24(q) relating to public participation. Paragraph (2) was previously § 17-2.03(2). Paragraph (3) contains the public notice requirement of 40 CFR 51.4. (Reserved).
17-2.230	17-2.05(12)	No change.
17-2.240	17-2.05(14)	Do.
17-2.250	17-2.18(5)	Incorporates requirements of § 17-2.18(5) and 40 CFR 51.24(i).
17-2.270		Incorporates provisions of 40 CFR 51.24(h).
17-2.280	17-2.24	No change.
17-2.290		Effective date.

Part III.—Ambient Air Quality

17-2.300	17-2.06	Section 17-2.06 (2) and (3) deleted; adoption by reference of ambient monitoring requirements of 40 CFR Part 58.
17-2.310	17-2.04(1) (a), (b) and (c).	No change.
17-2.320	17-2.07, Table IV	Do.
17-2.330	17-2.07, Table V	Do.
17-2.340	17-2.07, Table VI	Do.
17-2.350	17-2.07, Table VII	Do.

Part IV.—Area Designation and Attainment Dates

17-2.400	17-2.04(5)	Paragraph (1) is reserved. Paragraph (2) incorporated the provisions of § 17-2.04(5) and 40 CFR 51.24(g).
17-2.410	17-2.13 (1) and (8), 17-2.14 (1) and (4), 17-2.14, 17-2.16 (1) and (8).	No change.
17-2.420		Reserved.
17-2.430		Incorporates provisions of 40 CFR 51.310.

New section	Previous section(s)	Change
17-2.440	17-2.04 (2) and (3).	No change.

Part V.—New and Modified Source Review Requirements

17-2.500	17-2.04	See PSD rule.
17-2.510	17-2.17, 17-2.18	No change.
17-2.520		New language; incorporates requirements of 40 CFR 51.18.
17-2.530	17-2.19	No change.
None	17-2.05(8)	The complex source rule is repealed.

Part VI.—Emission Limiting and Performance Standards

17-2.600	17-2.05(6), Table II.	No substantive change, except deletion of § 17-2.05(6), Table II, C, (4), relating to phosphate plants.
17-2.610	17-2.05 (1), (2), (3).	Section on applicability added to process weight table. Fugitive particulate rule amended and expanded. Visible emissions standard made generally applicable.
17-2.620	17-2.05 (4), (5)	No change.
17-2.630	17-2.03	Language added on innovative technology and phased construction projects. Language deleted on applicability.
17-2.640	17-2.17(6)	Language added on phased construction projects.
17-2.650	17-2.13, 17-2.16	No substantive changes except to change test methods for can coating.
17-2.660	17-2.21	NSPS for ammonium sulfate and auto and light duty truck coating added.
17-2.670	17-2.22	No change.

Based on the above, EPA is today approving the reformatting of the rules of the Florida Department of Environmental Regulations. EPA's approval of this format change should not be construed as giving EPA's approval to any regulatory provisions of the SIP which have not previously been approved. This action is being taken without prior proposal because this reformatting is noncontroversial and EPA anticipates no comments on it. The public should be advised that this action will be effective June 1, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision 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 June 1, 1982.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities since it only changes the format of the regulations.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

(Section 110 of the Clean Air Act (42 U.S.C. 7410)).

Dated: March 23, 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 K—Florida

In § 52.520, paragraph (c) is amended by adding paragraph (41) as follows:

§ 52.520 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(41) Reformatting of the rules and regulations portion of the Florida State Implementation Plan, submitted on August 11, 1981, by the Florida Department of Environmental Regulation.

[FR Doc. 82-8406 Filed 3-29-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-2066-7]

Approval of Illinois Total Suspended Particulate State Implementation Plan Revision for Continental Grain Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On June 8, 1981 (46 FR 30360), the Environmental Protection Agency (EPA) proposed to approve a temporary variance from the requirement of induced draft equipment for control of total suspended particulate (TSP) emissions from grain elevators for a Continental Grain Company facility located in Crossville, White County, Illinois. Because this variance

represents a temporary relaxation of the federally approved Illinois State Implementation Plan, it must be approved by EPA before it becomes effective under the Clean Air Act 42 U.S.C. 7410. Interested persons were given until July 8, 1981, to comment. No public comments were received. The purpose of this notice is to announce EPA's final rulemaking action approving this revision to the Illinois State Implementation Plan (SIP).

EFFECTIVE DATE: This final rulemaking becomes effective April 29, 1982.

ADDRESSES: Copies of the SIP revision, are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On May 29, 1980, the Illinois Pollution Control Board (IPCB) issued an Opinion and Order granting a variance from the requirements of Rule 203(d)(8)(B) for Chapter 2 of the Air Pollution Control Regulations which relate to the requirement for induced draft equipment for control of total suspended particulate (TSP) emissions. This variance was granted to Continental Grain Company's grain elevator located in Crossville, White County, Illinois. This variance expired on July 1, 1980. It was submitted to EPA by the Illinois Environmental Protection Agency on July 29, 1980.

Prior to September 1, 1979, this facility was exempt from the requirement of induced draft control equipment under Rule 203(d)(8)(D) which exempts existing facilities handling not more than 2,000,000 bushels of grain annually and which are located outside a major population area from meeting this requirement. Continental Grain lost this exemption when a review of its records as part of the permit renewal process indicated that this facility's annual grain throughput exceeded the limit which would continue its eligibility for an exemption from this requirement.

The purpose of the variance granted by IPCB was to allow the continued operation of this facility until the dust collection equipment required by Rule 203(d)(8)(B) could be installed. The required equipment has now been installed.

In the June 8, 1981, notice of proposed rulemaking (46 FR 30360), EPA solicited public comment on the proposed SIP revision and on EPA's proposed rulemaking action. No public comments were received. Since the variance permits continuation of the status quo with regard to TSP emissions from this source in an area which is an attainment area for TSP, EPA approves this variance.

Under section 307(b)(1) of the Clean Air 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 March 30, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of this 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), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves a State action. It imposes no new requirements. In addition, this action applies to only one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and subject to the requirements of a regulatory impact analysis. This regulation is not major because it only affirms the action of the State of Illinois and imposes no new regulation requirements. This regulation is exempt from review by the Office of Management and Budget (OMB) under section 3 of Executive Order 12291.

This Notice of final rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1981.

Dated: March 23, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended by adding § 52.720(c)(30) as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(30) On July 29, 1980, the State submitted a May 29, 1980, Opinion and Order of the Illinois Pollution Control Board granting a variance from the requirements Rule 203(d)(8)(B) of Chapter 2 of the Air Pollution Control Regulations to Continental Grain Company's grain elevator located in Crossville, White County, Illinois. This variance expired July 1, 1980.

[FR Doc. 82-8444 Filed 3-29-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL-2055-1]

Approval and Promulgation of Implementation Plans: Three New Mexico Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document approves the following revisions to the New Mexico State Implementation Plan (SIP):

- Revision to Regulation 504 (Particulate Emissions From Coal Burning Equipment) to extend the final compliance date and resulting compliance schedules to December 31, 1982 for two electric generating units.
- Revision to Regulation 507 (Oil Burning Equipment—Particulate Matter) to change the emission limitations.
- A variance to Regulation 603 (Coal Burning Equipment—Nitrogen Dioxide) until April 11, 1983 for three electric generating units.

These revisions are approved on the basis that they will not interfere with attainment or maintenance of the National Ambient Air Quality Standards in New Mexico.

DATE: These actions will be effective on June 1, 1982 unless notice is received on or before April 29, 1982 that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be submitted to the EPA Region 6 Air Branch (Address below). Copies of the materials submitted by New Mexico, incorporation by reference material, and the EPA Evaluation Report ¹ may be examined during normal business hours at the following locations: Environmental Protection Agency, Public Information Reference Unit,

¹ EPA Evaluation Report for Revisions to Regulations 504, 507, and 603, dated January 1982.

Library Systems Branch, 401 M Street SW., Washington, D.C. 20460
Environmental Protection Agency,
Region 6, Air Programs Branch, 1201
Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT:

Randy Brown, Implementation Plan Section, Environmental Protection Agency, Region 6, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270 (214) 767-2730.

SUPPLEMENTARY INFORMATION:

Regulation 504—The Governor of New Mexico has submitted the following concerning the Regulation 504 revision:

- Revised Regulation 504, submitted June 28, 1978.
- Support information for the changes to Regulation 504, submitted September 18, 1978.
- Compliance Schedule for Arizona Public Service (APS) Units 4 and 5 of the Four Corners Generating Station to meet revised Regulation 504, submitted March 31, 1980.

The change to Regulation 504 extends the final compliance date for Units 4 and 5 of the APS Four Corners Generating Station from July 31, 1977 to December 31, 1982. The final emission limitation in the existing Regulation is not changed. The compliance schedule established the increments of progress for Units 4 and 5 in meeting the new final compliance date. The generating station is in an area where air quality is classified as better than the national standards for total suspended particulate under Section 107 of the Clean Air Act. The State submitted an analysis demonstrating that the change in final compliance for Units 4 and 5 would not interfere with attainment or maintenance of the particulate standards.

Regulation 507—The Governor of New Mexico submitted revisions to Regulation 507 on January 23, 1979 with the State non-attainment SIP revisions. Regulation 507 was not included by the State in any of the non-attainment strategies, and therefore no action was taken on it in the EPA Federal Register action of April 10, 1980 on non-attainment plans for New Mexico. The revisions add mass emission limits and opacity limits for new sources (constructed since August 1971), and relax the previously very stringent emission limit for existing sources (1/20th of the federal New Source Performance Standard limit) to levels currently being achieved by affected sources. An electric generating station and generating units at a copper smelter

are the existing sources affected by the regulation. Since non-attainment strategies are not dependent on the regulations and actual emissions would not increase, the relaxations will not interfere with attainment or maintenance of the particulate standards.

Regulation 603—The Governor of New Mexico submitted on July 31, 1980 a variance from the nitrogen dioxide (NO₂) emission limits in Regulation 603 for Units 3, 4, and 5 at the Four Corners Generating Station. On September 5, 1980 the New Mexico Environmental Improvement Division submitted an analysis demonstrating that the variance would not interfere with attainment or maintenance of the nitrogen dioxide standard. The generating station is located in an area where air quality is classified as better than the national standards for nitrogen dioxide under Section 107 of the CAA. The variance will provide additional time (until April 11, 1983) for identification and/or development of reasonably available control technology appropriate for these units to meet the NO₂ emission limits in 603.

EPA has reviewed these SIP revisions and supporting documentation and has determined that no violations of the National Ambient Air Quality Standards will result from these revisions. Based on these findings, EPA is today approving the revisions to Regulations 504, 507, and 603 of the New Mexico SIP.

EPA's review of the materials submitted has shown that they are noncontroversial, nonmajor SIP revisions. Because EPA does not anticipate that this rulemaking will generate adverse public comments, the revisions are being approved today without a prior proposed rulemaking. The public should be advised that these actions will be effective June 1, 1982. However, if notice is received on or before April 29, 1982 that someone wishes to submit adverse or critical comments on any of the actions, that action will be withdrawn and a new notice of rulemaking announcing a proposal of the action and establishing a comment period will be published in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves State actions, it will impose no new regulatory requirements. In addition, these actions only apply to three facilities.

The Office of Management and Budget has exempted this rule from the

requirements of Section 3 of Executive Order 12291.

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 within 60 days of March 30, 1982. 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.

Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1981.

This notice is issued under the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated March 23, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

1. § 52.1620, paragraph (c) is amended by adding new paragraphs (22), (23), and (24), as follows:

§ 52.1620 Identification of plan.

• • • • •
(c) • • •

(22) A revision to Regulation 504 which extends the final compliance date for Units 4 and 5 of the Arizona Public Service Four Corners Power Plant to December 31, 1982 was submitted by the Governor on June 28, 1978. A compliance schedule for the same units was submitted by the Governor on March 31, 1980.

(23) A revision to Regulation 507, changing the emission limitations was submitted by the Governor on January 23, 1979.

(24) A variance to Regulation 603 for the Arizona Public Service Units 3, 4, and 5 at the Four Corners Generating Station, was submitted by the Governor on July 31, 1980.

2. § 52.1626, paragraph (b) is amended by adding to the table of compliance schedules as follows:

§ 52.1626 Compliance Schedules.

* * *

(b) * * *

San Juan County

Arizona Public Service, Four Corners, 504.

Immediately, 12/31/82

[FR Doc. 82-8443 Filed 3-29-82; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6232

[NM-43012]

New Mexico; Withdrawal of Lands

AGENCY: Bureau of Land Management, Interior.**ACTION:** Public land order.

SUMMARY: This order will withdraw 8,960 acres from operation of the public land laws including the mining laws for research and development in connection with the Waste Isolation Pilot Plant Project. Of the total, 160 acres will be reserved for the exclusive use of the Department of Energy. The remainder will be managed by the Bureau of Land Management.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

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

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from settlement, sale, location or entry, under all of the general land laws, including the mining laws, 30 U.S.C. Chapter 2, for the purpose of performing a Site and Preliminary Design Validation Program (SPDV) in connection with a Waste Isolation Pilot Plant Project of the Department of Energy and to protect the lands pending a legislative withdrawal if appropriate.

New Mexico Principal Meridian

T. 22 S., R. 31 E.,

Sec. 15;

Sec. 16;

Sec. 17;

Sec. 18, lots 1, 2, 3, 4, inclusive, E½, and

E½W½;

Sec. 19, lots 1, 2, 3, 4, inclusive, E½, and E½W½;

Sec. 20;

Sec. 21;

Sec. 22;

Sec. 27;

Sec. 28;

Sec. 29;

Sec. 30, lots 1, 2, 3, 4, inclusive, E½, and E½W½;

Sec. 31, lots 1, 2, 3, 4, inclusive, E½, and E½W½;

Sec. 32;

Sec. 33;

Sec. 34.

The area described contains approximately 8,960 acres of public lands and 1,280 acres of State land for a total of 10,240 acres, more or less in Eddy County, New Mexico.

2. The following two State sections are included in the withdrawal so that if they pass to Federal ownership, they will be subject to the withdrawal:

New Mexico Principal Meridian

T. 22 S., R. 31 E.,

Sec. 16;

Sec. 32.

3. Subject to valid existing rights, the following land, known as Zone I, is reserved for the exclusive use of the Department of Energy for the purpose of the Site and Preliminary Design Validation Program:

New Mexico Principal Meridian

T. 22 S., R. 31 E.,

Sec. 20, SE¼SE¼;

Sec. 21, SW¼SW¼;

Sec. 28, NW¼NW¼;

Sec. 29, NE¼NE¼.

Containing 160 acres.

4. The lands included in this withdrawal, with the exception of lands described in paragraph 3, shall be managed by BLM in accordance with a Memorandum Of Understanding approved by the Secretary of the Interior simultaneously with the making of this order.

5. This withdrawal shall remain in effect for a period of 8 years from the date of this order.

The case file for this withdrawal and the aforementioned MOU will be available for public inspection at the Carlsbad Resource Area, Federal Building, Room 163, 114 S. Haloguena, Carlsbad, New Mexico 88220.

Dated: March 23, 1982.

Garry E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-8496 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY
MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6266]

Communities With No Special Hazard
Area for the National Flood Insurance
Program**AGENCY:** Federal Emergency
Management Agency.**ACTION:** Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local Officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by 100-year flood. Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program of (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as Zone C. In a Zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is \$.40 per \$100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is \$.10 per \$100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium is \$.15 per \$100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of \$185,000 coverage for the structure and \$60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agency or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program would not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provision of 5 U.S.C. 605 (b), the Associate Director, to whom authority has been delegated by the director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazard areas of the specified community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.8 List of communities with no special flood hazard areas.

State	County	Community	Date of conversion to regular program
Arkansas	Mississippi	Town of Marie.	Mar. 22, 1982.
Arkansas	Lawrence	Town of Powhatan.	Mar. 22, 1982.
Indiana	Dubois	Town of Ferdinand.	Mar. 22, 1982.
Ohio	Coshocton	Village of West Lafayette.	Mar. 22, 1982.

(National Flood Insurance Act of 1968 (Title XIII, Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: March 16, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-8297 Filed 3-29-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6264]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top of the table or 30 days after the date of this Federal Register publication, whichever is later.

FOR FURTHER INFORMATION CONTACT: Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not

apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

BILLING CODE 6718-03-M

April 2, 1982

EFFECTIVE DATE

1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (H AND SUFFIX)	INLAND/COASTAL	HAZARD	60.3 CODE	PROGRAM STATUS	STATUS OF	PREVIOUS MAP DATES	REVISION CODE(S)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
								FHBM	FIRM				
IL	170911	Village of Ladd (Bureau Co.)	0001B	I	FL	B	I	3	I	4/21/78	N/A	N/A	Harry Volant Village President North Main Street Ladd, IL 61329 815-894-2351
MN	270020	City of Foley (Benton Co.)	0001B	I	FL	B	I	3	I	3/29/74 6/4/76	N/A	N/A	Karl Berlin, Mayor City Hall 250 Fourth Ave. Foley, MN 56329 612-968-7260
WI	550195	City of Lake Mills (Jefferson Co.)	0001B	I	FL	B	I	3	I	5/17/74 11/21/75	N/A	N/A	Thomas Popp, Jr., City Manager 103 Church Street Lake Mills, WI 53551 414-648-2344
MN	270495	City of Wadena (Wadena County)	0001B	I	FL	B	I	3	I	6/21/74 8/6/76	N/A	N/A	Wayne Maboney, Mayor 8 Bryant Ave. S. E. P. O. Box 30, Wadena, MN 56482 218-631-2363
VA	510308	Spotsylvania County (Unincorporated Areas)	0001A thru 0008A	I	FL	B	I	3	I	7/11/75	N/A	N/A	Steven T. Foster County Administrator P. O. Box 99 Spotsylvania, VA 22553 703-582-6361
OK	400498	Stephens Co. (Unincorporated Areas)	0001A thru 0009A	I	FL	B	I	2	I	N/A	N/A	N/A	Gary Ledford, Co. Commissioner Stephens Co. Courthouse Duncan, OK 73533 405-255-4193

EFFECTIVE DATE: April 16, 1982

EFFECTIVE DATE: April 20, 1982

EFFECTIVE DATE: April 23, 1982

1	2	3	4	5	6	7	8	9		11	12	13	14
								STATUS OF	PREVIOUS MAP DATES				
STATE	IDENT NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	603 CODE	PROGRAM STATUS	FHBM	FIRM	REVISION CODE(S)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
								FIRM	FHBM				
MN	270042	City of Cloquet (Clarion County)	0001B thru 0004B	1	FL	B	1	3	1	11/9/73 6/4/76	N/A	N/A	Arlene Wolner, Mayor 320 Second Street Cloquet, MN 55720 218-879-3347
OH	390545	City of New Philadelphia (Tuscarawas County)	0001B thru 0002B	1	FL	B	1	3	1	3/15/74 5/21/76	N/A	N/A	Leo Benjamin, Mayor City Building, 166 E. High Ave. New Philadelphia, OH 44663
WV	540169	Raleigh County (Unincorporated Areas)	0001A thru 0012A	1	FL	B	1	3	1	4/25/75	N/A	N/A	Howard K. Manning, President County Commissioners Raleigh County Courthouse Main Street, Beckley, WV 25801 304-255-9146
EFFECTIVE DATE: April 27, 1982													
ND	380288	Pembina, Township of (Pembina County)	0001A	1	FL	B	4	2	1	N/A	N/A	N/A	Erwin Falk, Chairman Pembina Twp Supervisors Bathgate, ND 58216
OK	400215	Wagoner County (Unincorporated Areas)	0001A thru 0009A	1	FL	B	1	2	1	N/A	N/A	N/A	Bob O. Mahan, Chairman Wagoner Co. Commissioners 307 East Cherokee Wagoner, OK 74467
EFFECTIVE DATE: April 30, 1982													
OH	390590	Village of Carey (Wyandot County)	0001C	1	FL	B	1	3	1	5/31/74 8/20/76 3/9/79	N/A	N/A	Nelson Summit Village Administrator 127 North Vance Street Cary, OH 43316 419-396-7691
PA	420680	Borough of West Middlesex (Mercer County)	0001B	1	FL	B	1	3	1	4/12/74 6/25/76	N/A	N/A	Fred R. Webster, Mayor West Middlesex Borough Office 582 Main Street West Middlesex, PA 16159 412-528-9931
VA	510312	King George County (Unincorporated Areas)	0001A thru 0004A	1	FL	B	1	3	1	2/21/75	N/A	N/A	Kenneth Scruggs County Administrator County Courthouse P. O. Box 198 King George, VA 22485 703-775-9181

Community Map Actions

(Codes: Where no entry is necessary use N/A)

Column Code:

1. Two letter state designator.
2. FIA Community 6-digit identity number.
3. Community name, County(ies) name.
4. Four digit number and suffix of each FIRM or FHBM panel printed.
5. INL/COAST, I=Inland, C=Coastal.
6. Hazard, FL=Flood, MS=Mudslide, ER=Erosion, NF=Non Flood Prone, MF=Minimally Flood Prone.

7. 60.3 Code:

A=Special Hazard not defined, no elevation data (No FHBM)

B=Special Hazard Designated, no elevation data (FHBM)

C=FIRM, No Floodway or Coastal High Hazard

*D=FIRM, Regulatory Floodway Designated

*E=FIRM, Coastal High Hazard

*Dual entry is available.

8. Program status:

- 1=Emergency
- 2=Regular
- 3=Not participating, no map
- 4=Not participating, with map
- 5=Withdrawn
- 6=Suspended

9. FHBM status:

- 1=Never mapped
- 2=Original
- 3=Revised
- 4=Rescinded
- 5=Superseded by firm

10. Firm status:

- 1=Never mapped
- 2=Original
- 3=Revised
- 4=Rescinded
- 5=All zone C—No published firm
- 6=All zone A and C—No elevations determined

11. Dates of all previous maps.**12. Revision codes:**

1. 1916 BFE (Base Flood Elevation) Decrease
2. 1916 BFE Increase
3. 1916 SFHA (Special Flood Hazard Area) Change
4. Change of Zone Designation; revised FIRM
5. Curvilinear
6. 1914 Incorporation
7. 1914 Discorporation
8. 1914 Annexation
9. SFHA Reduction
10. Non-1916 SFHA Increase Without Numbered Zones
11. Non-1916 SFHA Increase With Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 Without Federal Register Publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.

21. Miscellaneous.

13. List of Numbered Floodway Panels Printed.

14. Address of Community Map Repository. (National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: March 15, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-8296 Filed 3-29-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 506, 520, 529, 538, and 550

Nonapplicability of OMB Clearance Requirements

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules affecting nine or fewer respondents are amended to reflect nonapplicability of Office of Management and Budget clearance requirements, in accordance with the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3506(c)(5) requires that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of 44 U.S.C. 3507. Therefore, the following CFR Parts of Title 46 are amended to comply with the Paperwork Reduction Act of 1980:

PART 506—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

1. The authority citation for Part 506 reads as follows:

Authority: Section 191(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)), section 4 of the Administrative Procedure Act (5 U.S.C. 553) sections 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 841(a)), and Reorganization Plan No. 7 of 1961 (75 Stat. 840).

2. Add the following paragraph immediately after the authority citation:

Note.—In accordance with 44 U.S.C. 3506(c)(5), this request is not subject to the requirements of 44 U.S.C. 3507, as the respondents number nine or fewer persons.

PART 520—EXEMPTION OF HUSBANDING AND AGENCY AGREEMENTS

1. The authority citation for Part 520 reads as follows:

Authority: Sections 15, 35, 43; 46 U.S.C. 814, 833a and 841a.

2. Add the following paragraph immediately after the authority citation:

Note.—In accordance with 44 U.S.C. 3506(c)(5), this request is not subject to the requirements of 44 U.S.C. 3507, as the respondents number nine or fewer persons.

PART 529—RULES GOVERNING THE RIGHT OF INDEPENDENT ACTION IN AGREEMENTS

1. The authority citation for Part 529 reads as follows:

Authority: Section 15 as amended; 75 Stat. 763, 46 Stat. 814; section 43, 75 Stat. 766, 46 U.S.C. 841(a); 12 U.S.C. 248, 326, 483; 30 U.S.C. 681-682; 46 U.S.C. 814, 815, 841a.

2. Add the following paragraph immediately after the authority citation:

Note.—In accordance with 44 U.S.C. 3506(c)(5), this request is not subject to the requirements of 44 U.S.C. 3507, as the respondents number nine or fewer persons.

PART 538—DUAL-RATE CONTRACT SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

1. The authority citation for Part 538 reads as follows:

Authority: Sections 14b and 43; 46 U.S.C. 813a and 841a.

2. Add the following paragraph immediately after the authority citation:

Note.—In accordance with 44 U.S.C. 3506(c)(5), this request is not subject to the requirements of 44 U.S.C. 3507, as the respondents number nine or fewer persons.

PART 550—FILING OF TARIFFS BY TERMINAL BARGE OPERATORS IN PACIFIC SLOPE STATES

1. The authority citation for Part 550 reads as follows:

Authority: Section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 3, 18(a), 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 1160, 817 and 841(a)), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844).

2. Add the following paragraph immediately after the authority citation:

Note.—In accordance with 44 U.S.C. 3506(c)(5), this request is not subject to the requirements of 44 U.S.C. 3507, as the respondents number nine or fewer persons.

Effective date: Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 30, 1982.

By the Commission.

Francis C. Hurney,
Secretary.

March 19, 1982.

[FR Doc. 82-8430 Filed 3-29-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-190; FCC 82-127]

Radio Broadcast Services; Amendment of Form 324, Annual Financial Report of Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action eliminates § 73.3611 of the Commission's Rules, the Annual Financial Report of Broadcast Stations. The Commission may, on an as-needed basis, conduct special studies for policy planning and analysis purposes. This action is taken by the Commission in its efforts to eliminate the collection of data no longer needed for policy planning and analysis. This action will greatly reduce the amount of financial information commercial broadcast stations are required to submit to the FCC, as well as FCC man hours devoted to analysis of financial data.

DATE: Effective April 29, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Brian F. Fontes, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: March 11, 1982.

Released: March 22, 1982.

In the matter of amendment of Form 324, Annual Financial Report of Broadcast Stations; BC Docket 80-190.

Introduction

1. On April 24, 1980, the Commission issued a Notice of Proposed Rule

Making that contained a number of revisions to its broadcast financial report, FCC Form 324.¹ The proposed revisions were an outgrowth of a report prepared by T&E, Inc., an independent research firm, and the FCC staff's evaluation of the report.² Among the issues raised in this Notice were those embodied in a Petition for Rule Making filed by the National Association of Broadcasters. NAB's petition requested that the Commission drop the requirement of an annual financial report submitted by broadcasters. According to NAB, the burdens imposed on licensees to complete Form 324 outweigh the benefits of the annual financial reports. However, the primary intent of the Notice was to provide the Commission with more valid and reliable financial data. The Commission also authorized in this Notice a pretest of the proposed revisions to Form 324 involving 101 broadcast stations. Comments received in response to the Notice and the results of the pretest clearly indicated that the proposed revisions to Form 324 would not produce more valid and reliable data. In fact, the comments and responses suggested that the proposed revisions would lead to the "guess work" in the allocation of expenses, thereby producing less desirable data.

2. At the time of the original Notice, the most frequent use of Form 324 data was in the transfer and assignment of broadcast licenses. However, subsequent to the adoption of the Notice, the Commission implemented new financial qualification standards for broadcast assignment and transfer applications.³ The new policy only requires a statement certifying financial qualifications, not actual financial showings. With this action the Commission eliminated a primary need for Form 324 data.

3. After considering the comments received addressing the proposed revisions to Form 324, the responses to the pre-test, as well as changes in Commission policy required on financial showings, the Commission issued a Further Notice of Proposed Rule Making.⁴ The Further Notice addressed options not fully discussed in the original Notice, such as either eliminating § 73.3611 which requires the annual financial report or greatly

abbreviating the form by asking only for gross revenue and expense data. With either option the Commission stated that it would continue to collect data when necessary by conducting special studies tailored to specific policy planning and analysis needs. Based on the complete record and the intent to obtain valid and reliable financial data in a cost efficient manner, we are deleting § 73.3611 of the Rules. We will subsequently rely on special studies conducted on an as-needed basis for policy making purposes.

Summary of Comments on Further Notice⁵

4. The Further Notice invited comments on several options pertaining to Form 324, the annual financial report. The options included either eliminating the requirement that commercial broadcasters submit financial information on Form 324 or adopting a much abbreviated Form 324. Proposed variations of the abbreviated Form 324 included reporting only gross revenue and expense data and perhaps reporting interest, depreciation and payment to principals. Additional possibilities set forth in the Further Notice posted were that abbreviated financial information could be submitted on a sample basis and/or on a less than annual basis. Twenty-four commenters filed in response to the Further Notice adopted on September 30, 1981.⁶

5. We have been greatly assisted in this rule making by comments filed both in response to the original Notice and the Further Notice. Comments were received from broadcast licensees, associations of broadcasters, advertising representatives, and accounting/financial firms. The comments received in response to the Further Notice can be categorized into three general areas: (1) Those favoring deletion of § 73.3611 requiring the annual financial report, (2) those favoring a modified short-form annual financial report, and (3) those wishing to retain the current Form 324.

³ Comments filed in response to the earlier Notice of Proposed Rule Making by which we opened this proceeding on April 24, 1980, were reviewed, summarized and discussed in the Further Notice. In addition, the pre-test of proposed revisions to Form 324 was analyzed in the Further Notice. Thus our comment summary here is directed primarily to the matters raised in the Further Notice. However, the analyses and evaluations we drew from the earlier record along with the responses to the Further Notice form the basis for our present conclusions.

⁶ A list of those parties filing comments is found in Appendix A.

¹ 45 FR 35370.

² "A Study of Financial Reporting Requirements for Commercial Broadcast Stations," submitted to the FCC Procurement Division by T&E, Inc., October 31, 1977.

³ New Financial Qualifications Standard for Broadcast Assignment and Transfer Applications, 87 FCC 2d 200 (1981).

⁴ 46 FR 53728.

A. Commenters Favoring Eliminations of Form 324

6. The major issue raised by parties whose comments endorsed the option to delete the requirement of an annual financial report is that Form 324 data are no longer pertinent to Commission policy planning and analysis. CBS and other parties agreed with the Commission's findings reported in the earlier Notice that: (1) Only 25 percent of the Form 324's filed by licensees are utilized in matters pertaining to Commission business; (2) when Commission staff refer to Form 324, they typically focus on gross revenue and expense figures rather than specific line item totals; (3) documentation of the financial qualifications of the assignee/transferee in an application for assignment and transfer of a broadcast license is no longer required; and (4) petitions for special relief before the Cable Bureau, or other financial economic issues before the Office of Plans and Policy and the Broadcast Bureau requiring financial information could better be served by special *ad hoc* financial studies. The overall concern leading to the adoption of the original Notice questioned the validity and reliability of the financial information reported on the current Form 324. According to Mutual Broadcasting Inc., the proposed revisions to Form 324, which were designed to improve the quality of data submitted on Form 324, resulted in comments indicating that the proposed revision would only further contribute to increased inaccuracies in financial data supplied to the Commission by licensees.

7. Licensees represented by Booth & Freret indicate that financial information on Form 324 is only beneficial in charting industry trends on a regional or nationwide basis.⁷ They question whether the cost of producing the annual financial reports and the burden to licensees in completing Form 324 are justified by the impact such data have on policy determination and planning.

8. Joint comments of broadcast licensees state that "the primary uses mentioned for such information (annual financial reports)—gauging a station's relative position in a market, evaluating the financial well-being of a market, and assisting prospective entrants and others in their financial and investment decision-making are all essentially private uses which benefit entities other

than the Commission." These licensees believe that such clearly private use of FCC financial reports is an insufficient justification for regulatory requirements like Form 324 that "require substantial expenditure of a public agency's time and moneys." Joint comment licensees also quote the T&E Study that concluded that "[v]ery few financial data items from the current Form 324 are actually used in day-to-day decision making." Since the time that the T&E study was submitted to the FCC, the financial information needed for assignment and transfer of broadcast licenses, usually obtained from Form 324, is no longer necessary.

9. Comments of the ABC Television Affiliates Association and the North Carolina Association of Broadcasters also note that changes in the processing of transfer and assignment cases has eliminated the documentation required for a showing of financial qualifications. ABC Television Affiliates Association noted the role the annual financial reports play in the private sector's monitoring of market and industry trends over time. They asserted that public monies in the form of producing the annual financial report should not be used for private gain. The Broadcast Financial Management Association agrees that FCC action regarding financial showings in transfer and assignment of broadcast licenses greatly reduces the benefits of Form 324 data, and that requiring such data to be submitted to the Commission costs the FCC and its licensees. Likewise, National Radio Broadcasters Association questions the relative costs and benefits of requiring 10,000 commercial licensees to submit annual financial data when the use of Form 324 data for policy planning and analysis is relatively small.

10. With respect to the cost burdens placed on licensees from compiling Form 324 data, the National Association of Broadcasters and the North Carolina Association of Broadcasters cite the Paperwork Reduction Act and the Regulatory Flexibility Act as posing "substantial barriers to the continued imposition of governmental burdens on small businesses, especially where the costs outweigh the benefits." Licensees represented by Booth & Freret believe a burden is imposed on licensees since they have to reconcile their accounting systems to the Commission's Form 324. Mutual Broadcasting System, Inc. stated that the amount of time needed to complete each line of Form 324 is a significant and major undertaking. They conclude that the time and money expended to complete Form 324 could be

far better spent on actually running the broadcast operation. The joint comments of Cosmos Broadcasting Corporation, Radio Medford, Inc. and Multimedia Broadcasting Company, Inc. cited an earlier comment indicating that stations may spend anywhere from one half-hour to 80 hours per FCC Form 324 in their efforts to comply with FCC Form 324 instructions.

11. In addition to the costs incurred by licensees to complete Form 324, Mutual Broadcasting voiced concern that public disclosure of such financial information may have other indirect costs. Mutual Broadcasting System, Inc. believes the possibility of disclosure of a broadcaster's Form 324 is always present. They are aware that currently a station's Form 324 is not available for routine public inspection. However, MBS contends that until the form is entirely eliminated there will always be the possibility that the financial information will be subjected to full disclosure. They believe such disclosures would be injurious to competition for advertisers, negotiations between labor and management, as well as negotiations with independent producers.

12. Essentially all parties supporting the elimination of the annual financial report request that the Commission maintain the option of conducting special studies on an as-needed basis. These special studies could be tailored to the specific needs of the Commission. Parties argue this would be a more cost efficient means of obtaining financial information for policy planning and analysis purposes as compared to the current procedures.

B. Commenters Favoring An Abbreviated Form 324

13. The second major category of comments filed in response to the Further Notice favors adopting a much abbreviated Form 324. Parties representing broadcast licensees, an association of sales agents for AM, FM and TV broadcast stations and the Radio Advertising Bureau endorsed a simplified Form 324. The comments focused on the importance to the FCC and the public knowing about industry economic trends. Several parties provided specific recommendations pertaining to the type of information that should be collected.

14. Certain caveats were mentioned by parties providing a rationale for continued collection of financial data. Radio Advertising Bureau (RAB) contends that minimal revenue data would provide the Commission with fundamental industry-wide information

⁷ WKGM, Inc.; Coastline Broadcasting Co.; Baker Broadcasters, Inc.; Northern Indiana Broadcasters, Inc.; Warren Broadcasting, Inc.; El Comino Broadcasting Corp.; Accomack-Northern Broadcasting Inc.

necessary for its regulatory responsibilities. Such minimal financial data, according to RAB, is also of crucial importance to the broadcast industry "because it will provide access to basic economic data which will assist broadcast stations to function more efficiently." According to RAB, 324 financial information assists the station's sales operations and facilitates the broadcaster's ability to identify local, regional and national market trends. Without accurate revenue data, they state, broadcasters are unable to measure the success or failure of their sales efforts. RAB, Pennsylvania Association of Broadcasters (PAB) and Plough Broadcasting, Inc. contend that the proposed abbreviated Form 324 would also be of importance to media-related interests, station brokers, stations' sales representatives, advertisers and advertising agencies, and lending institutions and investors that provide funds for acquisition and improvement of a facility.

15. Comments by the Station Representatives Association (SRA) state that the standardized continuous collection of financial data would allow the Commission greater ability to identify areas that could be deregulated and make implementation of deregulatory decisions easier. According to SRA, "the availability of reliable, complete financial data assists prospective entrants into the broadcast industry, promoting competition."

16. Comments by broadcast licensees reaffirm statements made by PAB and SRA that revenue data collected and published by the Commission are essential to conducting the business of radio licensees. Susquehanna Broadcasting Company believes that government collection and compilation of reliable broadcast revenue data is important not only to broadcast stations, but also to other businesses that require local market radio data for comparison and evaluation purposes. American Broadcasting Companies, Inc. (ABC) contends that requiring the regular reporting of rudimentary revenue data is the simplest way for the Commission to maintain an accurate financial picture of the broadcast industry. Additionally, they state that methods of reporting revenues vary little among broadcast licensees and revenue data will facilitate meaningful comparisons among licensees, regions, and industries. ABC believes that the Commission will be called upon to make decisions having a significant impact on the broadcast industry such as the possibility of direct broadcast satellite services' potential impact on the audience size of

conventional broadcast stations. ABC argues that revenue trend data will allow the Commission to assess the impact of new technologies on existing stations.

17. Broad Street Communications Corporation provides two major reasons for continued collection of financial data; to provide the Commission with a source of information on which to base its regulatory policies, and to promote the more efficient functioning of the broadcast industry and allied fields. Broad Street believes that both of these reasons are legitimate governmental objectives, and both are consistent with the Commission's goal of advancing the public interest by promoting free, efficient competition. Haley, Bader & Potts, a telecommunications law firm, contends that in order to make uniform policy decisions, there is a need for regular collection of economic data. However, the necessary financial data, according to Haley, Bader & Potts, can be collected with an abbreviated Form 324.

18. General Electric Broadcasting (GEBCO), Broad Street and SRA voiced concern about the ability of the private sector to provide financial data comparable to current FCC annual reports. These parties contend that interested private parties lack the authority to mandate submission of financial data. They argue that, since private surveys must rely on voluntary participation, their results are sometimes unreliable due to incomplete data, or data skewed by the nature of the self-selected respondents. By solely relying on private research, these parties believe that the Commission could virtually eliminate accessibility to an accurate financial description of the broadcast industry. Broad Street, Haley, Bader & Potts, and Susquehanna Broadcasting Company recommend that the Commission continue to collect financial data and turn over these data to a private company to tabulate, analyze and publish the annual report. Such reports, according to Broad Street, could be sold to allow for recovery of costs.

19. SRA, and parties represented by McKenna, Wilkinson & Kittner, argue that, if the commission eliminates Form 324 and relies on special surveys, it will build an automatic period of delay into the decision-making process—a survey would have to be constructed, prospective respondents chosen and time allowed for data collection and analysis. SRA cites the Paperwork Reduction Act of 1980 which requires that an agency submit survey forms to the Office of Management and Budget

for approval.⁹ The necessity of OMB approval would further delay the decision-making process. Because of these delays, these parties propose that an abbreviated form would be more efficient in obtaining the financial input necessary for the decision-making process.

20. Several parties commented on the delays associated with publishing the annual financial reports. Those parties endorsing the abbreviated Form 324 option see the reduced financial report as a means of allowing more rapid processing and publication of the data.

21. In summary, the parties favoring an abbreviated Form 324 stress the importance of having financial data published annually for efficient conduct of station business. These parties contend that annual financial data provide the Commission with information necessary to determine the impact of Commission policies on the economic viability of commercial broadcasters. Concern is also voiced regarding the private sector's ability to collect, analyze and publish accurate financial information. Private interests lack the Commission's authority to obtain financial information and anything short of complete compliance would produce unreliable reports. Therefore, these parties are encouraging the Commission to continue collecting broadcast financial data annually.

C. Commenters Favoring Retention of Present Form 324

22. Three parties, American Society of Composers, Authors and Publishers (ASCAP), Greater Media, Inc. (GMI) and May Broadcasting Company, provided comments requesting that the Commission not change the current Form 324. ASCAP notes that in addition to requiring licensees to report and pay license fees to their organization, licensees also have to submit Schedule 1 of Form 324 with their license agreements. According to ASCAP, "in the aggregate, Schedule 1 is an important indicator of industry trends and, in consequence, an essential factor in industry-wide negotiations between ASCAP and the radio and television broadcasters over the terms of new licenses." With respect to the television stations' blanket licenses, the manner in which stations report to the FCC on Schedule 1 of Form 324 determines their revenues for purposes of computing ASCAP fees. Additionally, stations' FCC reports are analyzed to determine whether significant discrepancies exist

⁹ 44 U.S.C. 3501, *et seq.*

between amounts on stations' FCC reports and their license fee reports.

23. May Broadcasting and GMI contend that information gleaned from the current Form 324 is used "time and time again by the Commission and other agencies of government in evaluating the health of the respective sub-industries in broadcasting." These parties also state that there is great use of the financial reports in the private sector. They argue that the private sector cannot and will not fill the need if the Commission decides to repeal § 73.3611. GMI believes the Form 324 cost analysis contained in the Further Notice is in error. They state that the burden on licensees is overstated and that most licensees prepare financial reports as part of normal business operations. GMI agrees that accounting procedures vary among licensees, but efforts to adjust to FCC requirements weighs lightly in comparison to the historical value received from the reports. According to GMI, modern data processing procedures used by the FCC and industry may ultimately reduce the costs of preparing Form 324 data. Additionally, the cost analysis did not place a value on the body of data collected in the past. Finally, GMI states that the Commission should analyze Form 324 from a service standpoint. They believe it is the responsibility of the Commission to maintain the environment for a healthy industry. All industries require basic economic data and, according to GMI, "the Commission's Form 324 has been the source."

Discussion

24. The Commission's decision in this rule making has focused on two options: (1) Whether the Commission should eliminate the annual financial report; or (2) should adopt an abbreviated Form 324 requiring only gross information, e.g., revenue and expense line items, to be reported. Under either option, the Commission maintains the right to conduct special financial studies tailored to the specific issue at hand. After reviewing all the information gleaned from the responses to the original Notice, the pre-test study, the Further Notice, as well as the T&E study, the Commission has decided to eliminate its annual financial report and to rely on special collections of data as may be required.

25. Several factors have led us to the conclusion that Form 324 is no longer needed for the conduct of Commission business. The first factor we find persuasive pertains to the all-encompassing nature of the collection effort. Every broadcaster is required to

file detailed financial data every year. We have become convinced that this quantity of data collected on a regular basis is not necessary for our needs for policy planning and analysis.

26. Even though more information may have been desirable in the past, changes in Commission policy have greatly diminished any such need. The new qualification standards for assignment and transfer of licenses, requiring only statements certifying financial qualifications of licensees, completely eliminates a specific use of the data that was very prevalent in the past.

27. One consideration that has always concerned the Commission is the reliability and validity of the data that is being collected. Our original Notice in this proceeding incorporated an attempt to improve specific line items on Form 324. However, as many commenters stated, the proposed revisions would not result in any significant improvements in the data base.

28. Financial data has been and will continue to be part of our planning and analysis. However, we think there are better and less-costly means available to meet our needs in this area. As commenters have stated, completion of the current Form 324 is time consuming and costly. Commenting parties indicate that stations may spend up to 80 hours completing the Form. In addition, the Commission spends approximately 4,000 hours processing Form 324 financial data. Considering the magnitude of this burden the Commission has come to the conclusion that, from a public interest standpoint, the costs associated with Form 324 far exceed any benefits derived from use of the data.

29. We are also rejecting the option of collecting financial data on an abbreviated Form 324. Two major reasons underlie this decision. First, the reliability and validity of the data that would be collected on such a form would be virtually unverifiable. The abbreviated form envisaged would provide only aggregated figures for revenues and expenses. No line items subdividing these would be reported, thereby eliminating the basic means of verifying the data's accuracy. Thus, the proposed abbreviated form would be of very limited use for policy planning and analysis but would continue to impose a burden upon all commercial licensees.

30. The other reason for our decision not to adopt an abbreviated form relates to the fact that most commenters who favored such collection wanted the data for private sector uses. We do not accept the argument that the Commission should maintain an annual financial report primarily as a service to

both licensees and the public when it would entail substantial costs to the public.

31. Finally, we think that the Commission's continued needs for financial data can be adequately served in a much more cost-efficient manner. When necessary, special studies can be specifically and narrowly tailored to particular policy questions. Special studies will eliminate the need for all licensees to submit annual financial data. This will not only reduce the cost to licensees, it will also reduce the substantial costs associated with printing, mailing, reviewing and analyzing the financial reports. However, the Commission also notes that with the deletion of Form 324 data the onus is upon licensees to provide substantiating information pertinent to their case.¹⁰ We are convinced that the complexity of issues associated with our policy planning and analysis would best be served by specific studies designed to address those particular issues. It is our belief that these studies can be completed in a shorter time frame than is currently required for Form 324 analysis, thereby providing us with more timely and pertinent data.

32. In summary, we are now persuaded that the costs of collecting financial data outweigh the benefits derived from its availability to the Commission. Special studies can be conducted as the need arises, such as in forfeiture cases and economic studies relating to rule makings, but an annual census of all broadcast licensees is not deemed necessary. To the extent that such financial data are needed by the private sector, private voluntary collection can be carried out.

33. Regulatory Flexibility Analysis:

I. Need for and Purpose of the Rule

The Commission has concluded that proposed revisions to Form 324, Annual Financial Report of Commercial Broadcast Stations, as outlined in a Notice of Proposed Rule Making adopted by the Commission on April 24, 1980, would not provide more reliable and valid financial data. The Commission is seeking a cost effective procedure that would facilitate the collection of financial data for policy planning and analysis, while at the same time reducing the burden such reports have on commercial broadcasters as a group.

¹⁰ Knoxville Broadcasting Corporation, 87 FCC 2d 1103 (1981).

II. Summary of Issues Raised by Public Comment in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. Issues raised: 1. Some commercial broadcasters and those parties representing advertising interests feared that in the absence of the FCC's annual financial report they would have to rely on private sector efforts to compile an annual financial report. These parties contend that only the Commission has the authority to compel all licensees to provide financial data and, therefore, the private sector efforts without authority to mandate compliance, would not be as informative as current FCC reports. Those favoring FCC annual financial reports suggest that the practice of publishing financial data should be maintained as a service to the broadcast industry.

B. Assessment: 1. The Commission concluded that the arguments supporting an annual financial report were not persuasive and that the most cost effective means of obtaining financial data from broadcast licensees was to tailor special studies to the specific policy planning and analysis needs of the Commission. Additionally, we conclude that the benefit derived by broadcasters from the Commission's financial reports of broadcast licensees does not warrant the expense incurred by the Commission.

C. Changes made as a result of such comment: None.

III. Significant Alternatives Considered and Rejected

1. The original *Notice* proposed revisions expanding revenue and expense data line items, as well as modifications to the instructions and definitions. These revisions were not found to produce more reliable and valid data but would increase the cost burdens on broadcasters. In the Further Notice, the Commission proposed either to eliminate the annual reporting requirement or to implement an abbreviated reporting form. Both options would utilize special studies tailored to the specific needs of the Commission. In an effort to obtain the most cost effective data pertinent to Commission needs, we have eliminated the annual financial reporting process and are relying on special studies on an as-needed basis.

34. Authority for adoption of the action taken herein is contained in sections 2, 4(i) and 303 of the Communications Act of 1934, as amended.

35. Accordingly, it is ordered, that § 73.3611 of the Commission Rules is deleted and that § 73.3500 is amended as set forth in Appendix B. Appendix B contains the rule changes, which become effective on April 29, 1982.

36. For further information concerning this proceeding, contact Brian F. Fontes, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix A

Parties Filing Formal Comments

May Broadcasting Company
Greater Media, Inc.

American Society of Composers,
Authors and Publishers

Joint Comments:

Cosmos Broadcasting Corporation
Cox Broadcasting Company, Inc.
Radio Medford, Inc.
Multimedia Broadcasting Company,
Inc.

CBS, Inc.

WKGM, Inc.

Coastline Broadcasting Co., Inc.

Baker Broadcasters, Inc.

Northern Indiana Broadcasters, Inc.

Warren Broadcasting, Inc.

El Camino Broadcasting Corporation

Accomack-Norhampton Broadcasting,
Inc.

North Carolina Association of
Broadcasters

ABC Television Affiliates Association

National Broadcasting Company, Inc.

National Radio Broadcasters
Association

National Association of Broadcasters

Summit Radio Corporation

Financial Management Association

Mutual Broadcasting System, Inc.

Pennsylvania Broadcasters Association

Doubleday Broadcasting Company, Inc.

McGavern-Guild, Inc.

Forward Communications Corporation

Appendix B

PART 73—RADIO BROADCAST SERVICES

§ 73.3500 [Amended]

1. Section 73.3500, Application and report forms, is amended to remove Form 324, Annual Financial Report of Broadcast Stations and Form 324-A, Annual Financial Report of Broadcast Networks.

§ 73.361 Financial Report. [Removed]

2. Section 73.3611, Financial report, is removed in its entirety.

[FR Doc. 82-8507 Filed 3-29-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-627; RM-3911]

Radio Broadcast Services; FM Broadcast Station in Augusta and Gardiner, Maine; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The action substitutes Class B FM Channel 222 for Channel 221A at Augusta, Maine, and modifies the license for the Class A station to specify operation on the Class B channel, at the request of the licensee, Sterling Broadcasting Corporation. In addition, Channel 282 is reassigned from Augusta to Gardiner, Maine, to reflect its actual use there.

DATE: Effective May 18, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Augusta and Gardiner, Maine); BC Docket No. 81-627, RM-3911.

Report and Order; (Proceeding Terminated)

Adopted: March 15, 1982.

Released: March 19, 1982.

1. The Commission has under consideration a Notice of Proposed Rule Making, 46 FR 46354, published September 18, 1981, proposing the substitution of Class B FM Channel 222 for Channel 221A at Augusta, Maine; modification of the license for Channel 221A to specify operation on Channel 222; and reassignment of Channel 282 from Augusta to Gardiner, Maine, to reflect its actual use there.¹ The Notice was issued in response to a petition filing by Sterling Broadcasting Corporation.² Petitioner submitted comments, restating its interest in the

¹ Channel 282, assigned to Augusta, Maine, is currently being used at Gardiner, Maine, under the 15-mile rule (Section 73.203(b)).

² Sterling Broadcasting Corporation is the licensee of AM Station WRDO and FM Station WSCL, Augusta, Maine.

Class B channel. No oppositions to the proposal were received.

2. Augusta (population 21,819),³ in Kennebec County (population 109,889), is located approximately 90 kilometers (57 miles) northeast of Portland, Maine. It is served by fulltime AM Stations WFAU and WRDO, and FM Stations WFAU (Channel 267) and WSCL (Channel 221A).

3. Petitioner incorporated by reference the information contained in the Notice that demonstrated the need for a Class B assignment. It notes that the Class B assignment would eliminate the present intermixture of Class A and B channels. As indicated in the Notice no showing of first service was provided.

4. The assignment of Channel 222 to Augusta will cause new preclusion on Channels 223 and 224A. There are no communities in the Channel 224A precluded area, and one community, Stonington, Maine (population 1,291), in the Channel 223 precluded area. Channel 249A is available for assignment to Stonington.

5. Canadian concurrence has been obtained in the substitution of channels (222 for 221A) at Augusta, Maine.

6. After consideration of the proposal we believe that the public interest would be served by the proposed substitution of channels, as it would remove the intermixture which presently exists at Augusta. An alternate channel is available to the community precluded by the proposal, therefore, we consider the preclusion impact insignificant. We have also authorized in paragraph 8, a modification of the petitioner's license for Station WSCL(FM) to specify operation on Channel 222 since there has been no other expression of interest in the Class B channel. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). We shall also reassign Channel 282 from Augusta to Gardiner, Maine, to reflect its current use in that community.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 207(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective May 18, 1982, The FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following communities:

City	Channel No.
Augusta, Maine	222, 267
Gardiner, Maine	282

³ Population figures are taken from the 1980 U.S. Census Advance Report.

8. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Sterling Broadcasting Corporation for Station WSCL(FM), Augusta, Maine, is modified, effective May 18, 1982, to specify operation on Channel 222 instead of Channel 221A. Station WSCL(FM) may continue to operate on Channel 221A for one year from the effective date of this action or until it is ready to operate on Channel 222, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 222 the licensee of Station WSCL(FM) shall file with the Commission a minor change application for a construction permit (Form 301);

(b) Within 10 days after commencing operation on Channel 222, the licensee of Station WSCL(FM) shall submit a license application (Form 302) for the new channel;

(c) Nothing contained herein shall be construed to authorize a major change in transmitter site or to avoid the necessary of filing an environmental impact statement where required.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission,
Roderick K. Porter,
Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82-8509 Filed 3-29-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-438; RM-3725]

Radio Broadcast Services; FM Broadcast Station in Redmond, Oregon; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 275 as a substitute for Channel 224A in Redmond, Oregon, and modifies the license of Station KSBC to specify operation on Channel 275. Additionally, it assigns Class C FM Channel 298 to Redmond as a second allocation, in response to a petition filed by Oregon Broadcasting Company.

DATE: Effective May 18, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Redmond, Oregon); BC Docket No. 81-438, RM-3725.

Report and Order; (Proceeding Terminated)

Adopted: March 10, 1982.

Released: March 19, 1982.

1. The Commission herein considers the Notice of Proposed Rule Making and Order to Show Cause, 46 FR 37921, published July 23, 1981, proposing two optional assignment proposals for Redmond, Oregon, as follows: substitute Channel 275 for Channel 224A, and add Channel 298; or, add Channel 252A. Comments were filed by Oregon Broadcasting Company ("petitioner") and KBND, Inc. ("KBND"), licensee of AM Station KBND, Bend, Oregon. Supporting and reply comments were filed by Sonshine Broadcasting Corporation ("Sonshine"), licensee of Station KSBC (FM) (Channel 224A), Redmond, to whom the Order to Show Cause was directed. Opposing comments were filed by Capps Broadcasting Group ("Capps"), licensee of co-owned Stations KGRL (AM) and KXIQ (FM), Bend, Oregon, to which the petitioner responded.

2. Redmond (population 6,452),¹ in Deschutes County (population 62,142), is located approximately 265 kilometers (165 miles) southeast of Portland, Oregon. It is presently served by FM Station KSBC (Channel 224A) and full-time AM Station KPRD.

3. As indicated, the Notice proposed two optional assignment plans, both of which are designed to avoid intermixture with Station KSBC. The first proposal, to substitute Channel 275 for Channel 224A and add Channel 298, was made in accord with the Commission policy of generally attempting to upgrade an existing Class A station to Class C facilities by assigning a second Class C channel and modifying the Class A station's license. Alternatively, the second proposal would allocate an additional Class A assignment (Channel 252A) to Redmond in the event it was determined that a Class C channel was inappropriate. Additionally, parties were requested to

¹ Population figures were obtained from the 1980 U.S. Census, Advance Report.

indicate if they would be interested in applying for a Class A channel in Redmond should the Commission determine that a Class C assignment was not justified, and an Order to Show Cause was issued to Sonshine to determine its willingness to upgrade its existing operation to Class C facilities.

4. The Notice set forth petitioner's preclusion study indicating that the assignment of Channel 275 to Redmond would cause preclusion to occur on Channels 272A, 273, 274, 275, 276A and 278, and that nine communities with populations exceeding 1,000 lie within those areas.² However, petitioner indicated that alternate channels would be available for assignment to the precluded communities. Petitioner stated that the assignment would provide a first FM service to 8,100 persons in an area of 5,427 square kilometers (2,120 square miles), and a second FM service to 1,800 persons in an area comprising 1,075 square kilometers (420 square miles).³

5. In the Notice, we determined that the assignment of Class C Channel 298 would require a site restriction approximately 17.7 kilometers (11 miles) southwest of Redmond, and that the existing transmitter site of KSBC could not accommodate such proposal. Therefore, we indicated that since the Commission does not require the relocation of a licensee's transmitter site without its consent, we proposed to assign Channels 275 and 298 to Redmond. Additionally, we proposed to modify the license of Station KSBC to operate on Channel 275, the channel originally requested by petitioner. We advised, too, that the ultimate permittee of the Channel 298 assignment would be required to reimburse Station KSBC for reasonable costs incurred in changing frequencies, but not for expenses involved to upgrade its facilities to Class C status. See, *Mitchell, South Dakota*, 62 F.C.C. 2d 70 (1976).

6. In its comments, petitioner advocates its support of the Class C channel allocation and advises that it will apply for Channel 298, if assigned. However, it states that it is not interested in applying for a Class A allocation. Further, it advises that it would be willing to reimburse Sonshine for costs incurred in changing KSBC's frequency to operate on Channel 275. Likewise, Sonshine's comments

expressed its support of the proposed Class C assignments.

7. In opposing comments, Capps argues that Redmond is currently served by numerous area outlets and adds that the existing stations are struggling financially. Therefore, it expresses its skepticism that the market could support any new competitors.

8. Capps also disputes the petitioner's claim of the extent of first and second service that its proposal would provide. It states that its figures were based on a Channel 275 allocation, not 298, as proposed by the Commission, and that Channel 298 would provide little or no first and second service. It notes, too, that the extent of first service is plausible only if Redmond is viewed in isolation since a recent Madras, Oregon, allocation (BC Docket No. 80-491, RM-3611) of Channel 243 would substantially reduce the white area which the Class C assignment would serve.

9. Capps notes that if Sonshine desires to upgrade its facilities to Class C status, it must move to Channel 275. In this respect, it asserts that Sonshine's efforts could be hampered by the costs involved in such improvements, and prevailing land use restrictions in Deschutes County (citing the difficulty that Station KPRB (AM), Redmond, has experienced in obtaining a site approval for its proposed improved facilities). Therefore, it states, since there is no assurance that Sonshine will ever improve its facilities, the chance of a first service therefrom is speculative under the circumstances.

10. Capps also claims that a Channel 298 site restriction 11 miles southwest of Redmond would place the transmitter closer to Bend and would practically duplicate service offered by the Bend stations. It asserts that since Bend is the more populous community, a Channel 298 facility may possibly seek to serve its community and thus, in effect, would operate as a *de facto* Bend station.

11. In opposing the proposed Class C assignments, Capps expresses its view that the extent of existing facilities in Redmond and its size usually result in a Class A assignment, if anything. It adds that, in adopting the population criteria and the Table of Assignments, the Commission envisioned a plan of at least 25,000 people in a community for each assignment, and asserts that Redmond falls short of that standard.

12. Throughout its comments, Capps has essentially reiterated its concern of economic harm as it also did in the *Bend, Oregon*, 46 FR 62858 published December 29, 1981, and *Madras, Oregon*, 46 FR 56797, published November 19,

1981, proceedings. In support of its claim of economic injury, Capps cites *F.C.C. v. Sanders Brothers Radio Station*, 309 U.S. 470, 475-76 (1940), and *Carroll Broadcasting Company v. F.C.C.*, 258 F.2d 440, 443 (D.C. Cir. 1958). However, it asserts that while the existing and recently assigned stations may survive, the less powerful daytime and Class A FM stations would be harmed, perhaps to the point of extinction, if the Class C assignments are made to Redmond. This prediction is speculative at this stage. Should Capps wish to develop the idea further, it should do so at the application stage where the issue can more appropriately be considered. See *Bend, Oregon*, *supra* and *Madras, Oregon*, *supra*.

13. In response to Capps' allegation that Redmond is presently served by area stations, it is noted that although the availability of reception service has been cited by the Commission as justification for denying a channel assignment in comparative cases, we are aware of no instance in which a channel assignment was denied to a community solely on the basis that the community already received reception service from other communities. A channel is assigned to a specific community to broadcast programs meeting that community's special needs, interests and problems. No station owing a primary obligation to another locality is expected to provide the equivalence of such local service. See, *Clinton, Louisiana*, 45 R.R. 2d 1587-88 (1979). Therefore, the signals received in Redmond from stations licensed to other communities cannot be considered as substitutes for local service, and the reception of these signals does not provide a basis for denying the assignments herein.

14. In response to Capps' statement regarding the extent of first and second service, we agree with its claim that the recent Class C assignment of Channel 243 to Madras will substantially reduce the first service that a Class C assignment to Redmond would provide. With regard to second FM service figures, the site restriction imposed on Channel 298 will slightly reduce the stated figures. And, the recent Class C assignments to Bend (Channels 248 and 289), depending on their transmitter location, could further reduce the second service figures. However, for the reason noted in paragraph 20, *infra*, the reduction in the proposed service figures, while important, is not a crucial factor in reaching our ultimate decision.

15. In response to Capps' speculation concerning Sonshine's ability to upgrade Station KSBC's facilities for Channel

²Those precluded Oregon communities are: Bend, Prineville, Lakeview, Madras, Burns, Hines, Klamath Falls, Altamont, and Falcon Heights.

³In the Notice, we indicated that the extent of petitioner's first and second service figures may be overstated, since it appeared that petitioner may have underestimated the coverage area of Station KICE, Bend, Oregon.

275, it advises that land use restrictions should not be an obstacle for it since it already owns a tower site on five acres of land, 6.7 miles from Redmond, which it may use to improve its facilities to Class C status.

16. Petitioner, in responding to Capps' allegation that a restricted Channel 298 assignment situated 11 miles southwest of Redmond would, in essence, constitute a *de facto* Bend station, states that such restriction was imposed by the Commission, and not by choice of the petitioner, to avoid short-spacing to FM Station KUMA (Channel 299) in Pendleton, Oregon, to comply with the minimum distance separation requirements of § 73.207 of the Commission's rules.

17. The comments filed by Sonshine Broadcasting Corporation in support of the instant proposals, notes that Deschutes County, in which Redmond is located, led the State in growth between 1970-1980, having experienced a population increase of 104%, while Redmond's increased 73.4% during this period. It notes that such location in the center of the Tri-County (Deschutes, Jefferson and Crook), where most of the future growth is anticipated, indicates that wider-coverage Class C service is necessary and that such allocations would give the Redmond facilities a competitive footing with other central Oregon stations.

18. The alleged economic impact that these proposed assignments could have on the existing area stations is a matter which can best be assessed at the application stage where it would be feasible to investigate and consider the merits of various allegations rather than in a rule making proceeding. *See, Rome, New York*, 42 R.R. 2d 618 (1978); *Healdsburg, California*, 52 F.C.C. 2d 244 (1975); *Beaverton, Michigan*, 44 R.R. 2d 55 (1978).

19. In its reply comments, petitioner states that Capps' engineering study regarding first and second service did not take into account the terrain variations. However, in calculating the extent of such service, terrain data is usually not considered separately.⁴ Rather, the showing of first service is based on the predicted method, by assuming reasonable, or greater facilities in the event the station already has greater facilities, and using the curves in § 73.333 of the Rules.

20. Although communities of Redmond's size are not generally assigned Class C facilities, from the information submitted by petitioner, it does appear that the Class C

assignments would nevertheless provide some service to persons in sparsely populated areas. Where, as here, an area has few population centers, to insure effective service thereto, it is usually necessary to utilize higher powered channels.⁵ In addition, we have received no expression of interest in operating a Class A facility in this area. Since alternate channels are available to the precluded areas, we believe the preclusion impact is insignificant. Because of such minimal impact and the apparent need for the wide-coverage area stations in Redmond, we find the proposal justified.

21. In view of the foregoing considerations, we believe that the public interest would be served by the assignment of Channels 275 and 298 to Redmond, Oregon. Additionally, we have authorized, *infra*, a modification of Sonshine Broadcasting Company's license for Station KSBC to specify operation on Channel 275, since there has been no other expression of interest in the Class C channel. *See, Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Station KSBC is entitled to reimbursement from the ultimate permittee of Channel 298 for the reasonable costs of switching to the Class C frequency. Costs involved in upgrading the facilities to at least minimum Class C standards are not reimbursable.

22. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended and §§ 0.281 and 0.204(b) of the Commission's Rules, it is ordered, That effective May 18, 1982, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to Redmond, Oregon, as follows:

City	Channel Nos.
Redmond, Oregon.....	275, 298

23. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the license of Sonshine Broadcasting Corporation for Station KSBC, Redmond, Oregon, is modified, effective May 18, 1982, to specify operation on channel 275, in lieu of Channel 224A, with the condition that it will be reimbursed for the reasonable costs incurred in switching frequencies from the ultimate permittee of Channel 298, Redmond. The license modification for Station KSBC-FM is subject to the following:

(a) At least 30 days before operating on Channel 275, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301);

(b) Within 10 days after commencing operation on Channel 275, the licensee shall submit a license application (Form 302) for the new channel;

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

24. It is further ordered, That the Secretary shall send a copy of this Order by certified mail, return receipt requested, to: Sonshine Broadcasting Corporation, P.O. Box 123, Bend, Oregon 97701.

25. It is further ordered, That this proceeding is terminated.

26. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission;

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-8510 Filed 3-29-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1047

[Ex Parte No. MC-75 (Sub-No. 2)]

Agricultural Cooperative Exemption—Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rules.

SUMMARY: At 45 FR 45524, July 3, 1980, the Commission revised its regulations dealing with the exemption from economic regulation accorded to motor vehicles controlled and operated by an agricultural cooperative association or a federal of associations. An error in the amendatory language affecting § 1047.20 has led to the omission of certain parts of the text of paragraphs (a) and (b) of that section as printed in the October 1, 1981 revision of Title 49 of the Code of Federal Regulations. This notice is intended to correct the amendatory language of the prior notice, and will set forth the omitted text for the convenience of the user of Title 49.

⁴ See, *Roanoke Rapids, North Carolina*, 9 F.C.C. 2d 672 (1967).

⁵ See, *Cape Charles, Virginia*, 42 R.R. 2d 363 (1978), and cases cited therein.

FOR FURTHER INFORMATION CONTACT:

Ann Guthridge, 202-275-7281.

SUPPLEMENTARY INFORMATION:**PART 1047—EXEMPTIONS**

Correct the amendatory language which appears in the Appendix on page 45525 to read as follows:

(1) In § 1047.20, the last paragraph of paragraph (a), the last sentence of paragraph (b), and paragraph (e) are revised to read as follows:

(2) As they would properly have been amended, paragraphs (a) and (b) of § 1047.20 should read as follows:

§ 1047.20 Definitions.

(a) *Cooperative association.* The term "cooperative association" means an association which conforms to the following definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141j):

As used in this Act, the term "cooperative association" means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any association in which farmers act together in purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services. Provided, however, That such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; and

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in farm products, farm supplies and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members. All business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association. Associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 10526(a)(5).

(b) *Federal of cooperative associations.* The term "federal of cooperative associations" means a federation composed of either two or more cooperative associations, or one or more farmers, which federation possesses no greater powers or purposes than a cooperative association as defined in paragraph (a) of this section. Federations of cooperative associations which do not conform to such definition are not eligible to operate under the partial exemption of 49 U.S.C. 10526(a)(5).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-8493 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 640****Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic**

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

ACTION: Emergency interim rule.

SUMMARY: NOAA issues an emergency interim rule to implement certain provisions of the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic. This rule (1) establishes a closed season in the fishery conservation zone (FCZ) during the peak spawning period; and (2) provides the authority for any Authorized Officer to dispose of lobster traps that are in the management area during the period April 6-July 20. The intended effect of this interim rule is to provide protection for the spawning stock in the FCZ during the major reproductive period.

DATES: Interim rule effective from April 1, 1982 through May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702. Telephone 813-893-3141.

SUPPLEMENTARY INFORMATION: Under Section 305(e)(1) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary of Commerce (Secretary), upon finding that an emergency exists involving any fishery resource, may promulgate emergency regulations to implement a fishery management plan. Such regulations remain in effect for 45 days

and may be repromulgated for an additional 45-day period, if necessary. The Assistant Administrator for Fisheries, NOAA, acting on behalf of the Secretary, has determined that an emergency exists with respect to the spiny lobster fishery. As a result of this determination, NOAA issues this emergency rule to implement certain provisions of the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic (FMP). NOAA published a notice of proposed rulemaking for the entire FMP on March 11, 1982 (47 FR 10878), to provide opportunity for the public to comment on all provisions of the FMP.

Establishment of a Closed Season

Although the State of Florida enforces a closed season (April 1-July 25) to protect lobsters mating and spawning in the territorial sea, there is currently inadequate enforcement of Florida laws in the fishery conservation zone (FCZ), where approximately 65 percent of all lobsters are caught. In recent years, there has been a dramatic increase in the harvest of lobsters from the FCZ during the peak reproductive season. The Florida Department of Natural Resources Marine Patrol estimated that as many as 50,000 spiny lobster traps were fished in the FCZ during the 1981 spawning period, and it anticipates even greater activity during the 1982 season unless Federal regulations are implemented in the FCZ. Unregulated fishing results in the harvest of many spawning females as well as undersized, sexually immature lobsters. This fishing seriously reduces the reproductive potential of the stock and will result in recruitment overfishing and economic losses if not restricted. Establishment and enforcement of the closed season in the FCZ, as prescribed by the FMP, will complement the existing closure under Florida law and contribute substantially to the prevention of recruitment overfishing.

Since the regulations now being promulgated as a proposed rule to implement the FMP will not become final in time to close the FCZ during the 1982 spawning season, it is critical that emergency regulations be issued to establish a closed season beginning April 1, 1982. Issuance of an emergency rule provides the protection necessary to conserve the lobster resource until the final regulations become effective. Because there will be approximately 90 days between the start of the spawning season (April 1) and the projected effective date of the final rulemaking, this emergency rulemaking is expected to be repromulgated for an additional 45

days after this interim rule expires. The full regulations implementing the FMP are expected to take effect on July 1, 1982, and will provide for the closed season in subsequent years.

Disposition of Traps in the Management Area During the Closed Season

Spiny lobster traps in the management area during the closed season continue to catch spiny lobsters. They would diminish the effectiveness of the closed season and result in waste of a valuable resource. To avoid this waste, the regulations implementing the FMP stipulate that such traps may be considered abandoned and may be disposed of by the Secretary.

The abandonment procedure, specified in these regulations at § 640.20(a)(1), supplements the procedures for seizure, forfeiture, and disposal at 50 CFR Part 219. Special characteristics of the trap fishery for spiny lobsters necessitate this additional method of abandonment and disposal of traps remaining in the FCZ during the closed season. First, the traps are heavy and bulky, making them difficult to handle without proper equipment. Currently, this equipment is not available to law enforcement officers. Second, during the last closed season, thousands of traps were left in the water. Limited resources, both in terms of time and money, make it impractical, if not impossible, for authorized enforcement officers to haul all the traps to shore and to store them for the one-year time period required by 50 CFR 219.29 before the traps can be destroyed. Finally, many of these traps are not properly marked, and it is difficult to determine ownership. The notification process of Part 219, therefore, cannot be easily applied to the spiny lobster trap fishery.

The procedure of abandonment and destruction provided in these regulations will discourage fishing during the closed season. Since the final regulations will not become effective until near the end of the closed season,

emergency implementation of this FMP provision is required. This season, disposal will be accomplished primarily by cutting the lines of traps found in the FCZ after April 6, 1982.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this emergency rule complies with the national standards, other provisions of the Magnuson Act, and other applicable law.

The Administrator, NOAA, has determined that this action is not a major rule under Executive Order 12291 and does not require a regulatory impact analysis. A regulatory impact review, including a regulatory flexibility analysis, was prepared and is summarized in the preamble to the proposed regulations (47 FR 10878).

A final environmental impact statement was filed with the Environmental Protection Agency on March 12, 1982. Part of the 30-day cooling period will run concurrently with these interim emergency regulations.

The Federal paperwork burden, as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is not increased for any level of business.

Dated: March 25, 1982.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

50 CFR is amended by adding a new Part 640 to read as follows:

PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Subpart A—General Provisions

Sec.

- 640.1 Purpose and scope.
- 640.2 Definitions.
- 640.3 Relation to other laws.
- 640.4 Vessels, permits, and fees.
- 640.5 Recordkeeping and reporting.
[Reserved]
- 640.6 Gear and vessel identification.
[Reserved]

- 640.7 General prohibitions.
- 640.8 Enforcement.
- 640.9 Penalties.

Subpart B—Management Measures

- 640.20 Seasons.
- 640.21 Harvest limitations. [Reserved]
- 640.22 Size limitations. [Reserved]
- 640.23 Gear limitations. [Reserved]
- 640.24 Authorized activities. [Reserved]

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 640.1 Purpose and scope.

The regulations in this part govern fishing for spiny lobster by vessels of the United States within that portion of the Atlantic Ocean and Gulf of Mexico adjacent to the territorial sea, along the coast of the south Atlantic States from the Virginia/North Carolina border south and through the Gulf of Mexico, over which the United States exercises exclusive fishery management authority.

§ 640.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this Part have the following meanings:

Authorized Officer means:

(a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Carapace length means a head-length measurement taken from the orbital notch inside the orbital spine, in a line parallel to the lateral rostral sulcus, to the posterior margin of the cephalothorax (Figure 1).

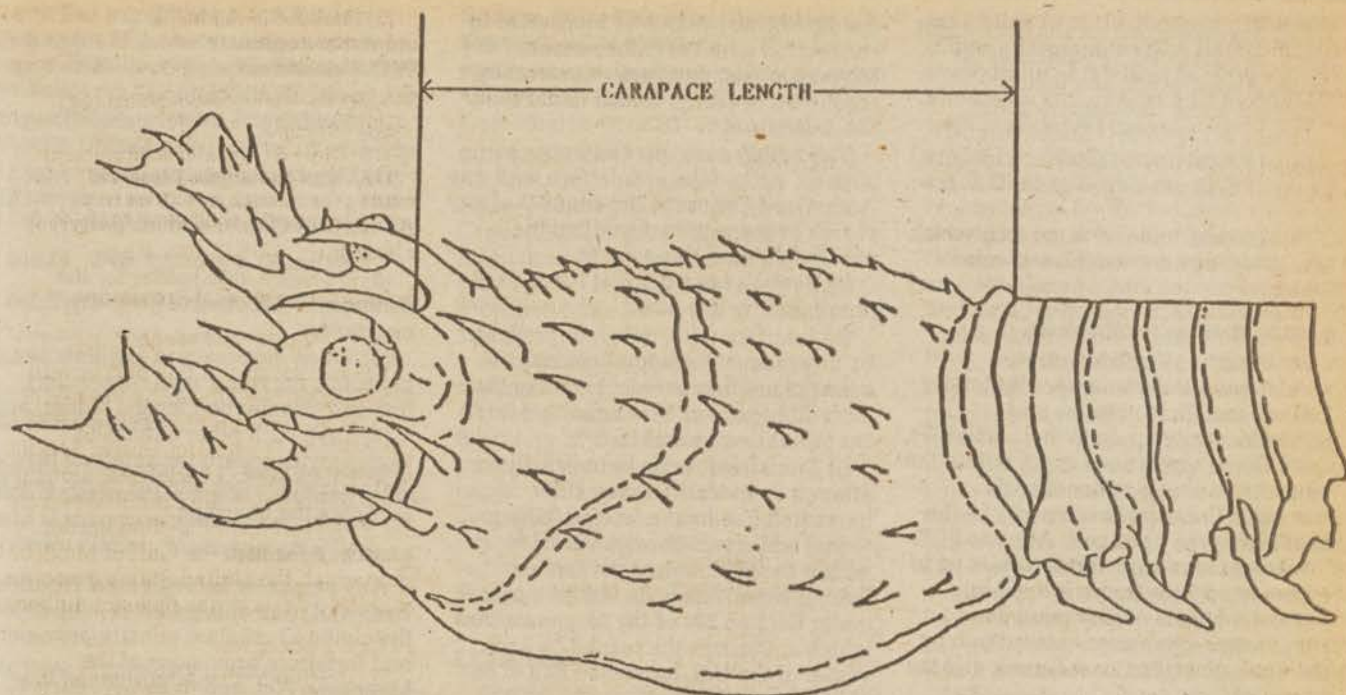


Figure 1. Method of Measuring Carapace Length.

Center Director means the Center Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149; telephone 305-361-5761.

Commercial fisherman means a fisherman who sells any part of his catch.

Degradable panel means a panel constructed of wood, cotton, or other material that will degrade.

Fish includes the spiny lobster, *Panulirus argus*.

Fishery conservation zone (FCZ) means that area adjacent to the territorial sea of the constituent States of the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves:

- (a) The catching, taking, or harvesting of fish;
- (b) The attempted catching, taking, or harvesting of fish;
- (c) Any other activity which can reasonably be expected to result in the

catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

- (a) Fishing; or
- (b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Live box means a container used for holding live lobsters aboard a vessel.

Magnuson Act means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Management area means that area of the FCZ adjacent to the territorial sea off the coasts of the States adjacent to the Gulf of Mexico and off the Atlantic coast south of the Virginia-North Carolina border.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

- (a) Any person who owns that vessel in whole or in part;
- (b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Recreational fisherman means a fisherman who does not sell any part of his catch.

Regional Director means the Regional Director, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813-893-3141, or his designee.

Secretary means the Secretary of Commerce or a designee.

Spiny lobster means the species *Panulirus argus*.

Tail length means the measurement of the tail segment, with the tail in a straight, flat position, from the anterior end of the exoskeleton ("shell") of the first abdominal (tail) segment to the tip of the closed tail.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means:

(a) A vessel documented or numbered by the U.S. Coast Guard under U.S. law; or

(b) A vessel under five net tons which is registered under the laws of any State.

§ 640.3 Relation to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) These regulations apply within the boundaries of any national park, monument, or marine sanctuary in the Gulf of Mexico and south Atlantic FCZ.

(c) Certain responsibilities relating to enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

§ 640.4 Vessel permits and fees.

No permits are required for fishing vessels engaged in fishing for spiny lobsters within the FCZ.

§ 640.5 Recordkeeping and reporting. [Reserved]

§ 640.6 Gear and vessel identification. [Reserved]

§ 640.7 General prohibitions.

It is unlawful for any person to:

(a) Fail to comply immediately with enforcement and boarding procedures specified in § 640.8;

(b) Place traps in the water or harvest spiny lobsters from traps before or after the dates specified in § 640.20(b);

(d) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import without a proper bill of lading, land, or export any spiny lobster or parts thereof taken or retained in violation of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(e) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of

conducting any search or inspection in connection with the enforcement of the Magnuson Act, this Part, or any other regulation or permit issued under the Magnuson Act;

(f) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (e) of this section;

(g) Resist a lawful arrest for any act prohibited by this part;

(h) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this Part;

(i) Transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested fish to any foreign fishing vessel while such foreign vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit under Section 204 of the Magnuson Act which authorizes the receipt by such vessel of the U.S.-harvested fish of the species concerned; or

(j) Violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 640.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this Part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, logbook, and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Signals.* Upon being approached by a Coast Guard cutter or aircraft, or any other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" means "You should stop your vessel instantly,"

(2) "SQ3" means "You should stop or heave to; I am going to board you," and

(3) "AA AA AA etc." is the call to an unknown station, to which the signaled vessel should respond by illuminating the vessel identification.

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the Authorized Officer and his party, aboard;

(2) Provide a safe ladder for the Authorized Officer and his party if necessary;

(3) When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) Take such other actions as necessary to ensure the safety of the Authorized Officer and his party, and to facilitate the boarding.

§ 640.9 Penalties.

Any person or fishing vessel found to be in violation of this Part is subject to the civil and criminal penalty provisions and forfeiture provisions of the Magnuson Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures) and other applicable law.

Subpart B—Management Measures

§ 640.20 Seasons.

(a) *Trap fishery.* (1) The season for spiny lobster with traps begins on July 26, one hour before official sunrise, and ends March 31, one hour after official sunset. Traps may be placed in the water on or after July 21, but spiny lobsters may not be harvested until the beginning of the season. Traps must be removed prior to April 6; any spiny lobsters taken between April 1 and 6 must be returned to the water unharmed.

(2) Traps in the management area during the period between 0001 hours April 6 and 2400 hours July 20 will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Secretary or the Secretary's designee (including an Authorized Officer). Lines and buoys are considered part of the trap. Owners of these spiny lobster traps remain subject to appropriate civil penalties.

(b) *Non-trap fishery.* The fishing season for other harvesting methods begins 0001 hours July 26 and ends 2400 hours March 31.

(c) *Special non-trap recreational fishery.* [Reserved]

§ 640.21 Harvest limitations. [Reserved]

§ 640.22 Size limitations. [Reserved]

§ 640.23 Gear limitations. [Reserved]

§ 640.24 Authorized activities. [Reserved]

[FR Doc. 82-8498 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 651

Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder); Conservation and Management Measures of the Interim Fishery Management Plan

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce has determined that regulations implementing the Interim Fishery Management Plan for Atlantic Groundfish (Interim Plan) will be effected as soon as practicable. Therefore, NOAA issues this emergency interim rule to implement the conservation and management measures of the Interim Plan. The Interim Plan has been determined to be necessary to establish a new management approach for Atlantic groundfish developed by the New England Fishery Management Council. Proposed rules to implement the Interim Plan were recently published in the *Federal Register*. The Interim Plan is intended to reduce regulatory burdens on the fishery and facilitate development of a more reliable data base for making management decisions.

DATES: These regulations will be effective from March 31, 1982 through May 14, 1982.

ADDRESSES: The Interim Plan, Regulatory Impact Review, and copies of comments on the Draft Environmental Impact Statement may be obtained from Mr. Frank Grice, Chief, Management Division, National Marine Fisheries

Service, State Fish Pier, Gloucester, Massachusetts 01930.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter D. Colosi, Jr., Plan Coordinator, 617-281-3600, ext. 272.

SUPPLEMENTARY INFORMATION: The reasons for development of the Interim Fishery Management Plan for Atlantic Groundfish (Interim Plan), and a discussion of the Interim Plan's provisions, were published with the proposed rules on March 11, 1982 (47 FR 10605).

Section 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) authorizes the Secretary of Commerce (Secretary) to promulgate emergency regulations to implement approved fishery management plans. Such regulations remain in effect for 45 days, and may be repromulgated for an additional 45 day period as allowed under that same section.

Classification

The Secretary has determined that the Interim plan will be implemented under the authority of Section 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The Administrator has determined, after reviewing the criteria set forth in Section 1(b) of E.O. 12291, that these regulations are non-major. Accordingly, preparation of a regulatory impact analysis is not required. He has also determined that the emergency provisions of Section 8 of E.O. 12291 apply to this rulemaking, and as such, it is exempt from prepublication review by the Office of Management and Budget (OMB). These regulations for the Interim Plan were reviewed under a proposed rulemaking, approved by OMB on March 8, 1982, and published as a proposed rule at 47 FR 10605 on March 11, 1982. However, the regulations are significant under the Regulatory Flexibility Act; that is, they will have a significant economic impact on a substantial number of small entities. An initial Regulatory Flexibility Analysis was prepared, and its availability to the public as a Regulatory Impact Review/Regulatory Flexibility Analysis (RIR/RFA) was noted in the proposed rule

(available from the Regional Director's office, address above). A notice of availability of the final Regulatory Flexibility Analysis will be published with the final rulemaking.

The Interim Plan and implementing regulations minimize the reporting requirements for the industry, while providing for acquisition of improved fishery data. There is a minimum amount of mandatory record keeping and data reporting which constitute "collections of information" under the Paperwork Reduction Act. The regulations require fish dealers and processors to maintain records on all transfers, purchases, and receipts of all fish species; the recording form, NOAA Form 88-154, is the same as the vessel record currently used and already approved by the Office of Management and Budget (OMB) (approval number 0648-0013). The Optional Settlement Program requires mandatory reporting, but will utilize NOAA Form 88-153 which has been previously approved by OMB (approval number 0648-0016).

A draft Environmental Impact Statement (DEIS) has been prepared under Section 102(2)(c) of the National Environmental Policy Act of 1969. The DEIS was filed with the Environmental Protection Agency (EPA) and made available to the public on November 20, 1981. Comments were received until January 4, 1982. Comments received will be reviewed and summarized in the final EIS which will be filed with EPA prior to the promulgation of final rulemaking which will follow from the proposed rules issued March 11, 1982 (47 FR 10605). Copies of the comments will be open for inspection at the Council's office (address above).

Dated: March 25, 1982.

William H. Stevenson,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For reasons set out in the preamble, Part 651 of Title 50 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for Part 651 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. 50 CFR is amended by revising Part 651 to read as follows:

**PART 651—ATLANTIC GROUND FISH
(COD, HADDOCK, AND YELLOWTAIL
FLOUNDER)**

Subpart A—General Provisions

- Sec.
- 651.1 Purpose and scope.
 - 651.2 Definitions.
 - 651.3 Relation to other laws.
 - 651.4 Vessel permits.
 - 651.5 Recordkeeping and reporting requirements.
 - 651.6 Vessel identification.
 - 651.7 Prohibitions.
 - 651.8 Enforcement.
 - 651.9 Penalties.

Subpart A—Management Measures

- 651.20 Large-mesh area and gear limitations.
- 651.21 Closed areas.
- 651.22 Optional settlement program.
- 651.23 Minimum fish size.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart G—General Provisions

§ 651.1 Purpose and scope.

The regulations in this part govern fishing for groundfish by fishing vessels of the United States within that portion of the Atlantic Ocean over which the United States exercises fishery management authority. These regulations implement the Interim Fishery Management Plan for Atlantic Groundfish prepared and adopted by the New England Fishery Management Council, and approved by the Assistant Administrator.

§ 651.2 Definitions.

Some definitions in the Act have been repeated here to aid understanding of the regulations. In addition to the terms defined in the Act, the terms used in this part shall have the following meanings:

Act means the Magnuson Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801–1882.

Areas of custody means any vessels, buildings, vehicles, piers or dock facilities where groundfish may be found.

Assistant Administrator means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C. 20235, or a designee.

Authorized Officer means:

- (1) Any commissioned, warrant, or petty officer of the United States Coast Guard;
- (2) Any Special Agent of the National Marine Fisheries Service;
- (3) Any officer deputized by the head of any Federal or State Agency which

has entered into an agreement with the Secretary and the Commandant of the United States Coast Guard to enforce the provisions of the Act; or

(4) Any United States Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

Catch, take, or harvest includes, but is not limited to, any activity which results in killing any fish, or bringing any live fish on board a vessel.

Charter and party boats means vessels carrying fishing parties on a per capita basis, or by charter.

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea is measured.

Fishing means any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

- (1) The catching, taking, or harvesting of fish;
- (2) The attempted catching, taking, or harvesting of fish;
- (3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or
- (4) Any operations at sea in support of, or in preparation for, any activity described above.

Fishing vessel means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) Fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Groundfish means any cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), or yellowtail flounder (*Limanda ferruginea*).

Land means to begin offloading fish, to offload fish, or to arrive in port with the intention of offloading fish.

Official number means the documentation number issued by the United States Coast Guard or the certificate number issued by a State or the Coast Guard for undocumented vessels in accordance with the Federal Boating Safety Act of 1971.

Operator, with respect to any vessel, means the master or other individual on board and in charge of the vessel.

Owner, with respect to any vessel, means:

(1) Any person who owns that vessel in whole or in part;

(2) Any charterer of the vessel, whether bareboat, time, or voyage;

(3) Any persons who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(4) Any agent designated as such by any person in paragraphs (1), (2), or (3) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Recreational fishing means fishing for groundfish for any use except sale.

Recreational fishing vessel means any vessel from which recreational fishing is conducted. Party and charter boats are not considered recreational fishing vessels.

Regional Director means the Regional Director, Northeast Region, National Marine Fisheries Service, NOAA, or a designee.

Secretary means the Secretary of Commerce or a designee.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Act.

Vessel of the United States means:

- (1) Any vessel officially documented or enrolled and numbered by the U.S. Coast Guard under U.S. law; or
- (2) Any vessel under five net tons, which is registered under the laws of any State.

§ 651.3 Relation to other laws.

Fishing for herring, squid, mackerel and butterfish, which is affected by these regulations, is also governed by other domestic regulations under Chapter VI, Title 50 of the Code of Federal Regulations.

§ 651.4 Vessel permits.

(a) *General.* Any vessel of the United States fishing for groundfish except recreational fishing vessels, must have a permit required by this Part on board the vessel.

(b) *Application.* (1) An application for a fishing vessel permit for the groundfish fishery must be submitted and signed by the vessel owner on an appropriate form which may be obtained from the Regional Director. The application must be submitted to the Regional Director

prior to the date on which the applicant desires to have the permit made effective.

(2) Applicants must provide all the following information:

- (i) The name, mailing address, and telephone number of the applicant and the vessel's master;
- (ii) The name of the vessel;
- (iii) The vessel's official number;
- (iv) The home port, gross tonnage, and net tonnage of the vessel;
- (v) The engine horsepower of the vessel;

- (vi) The approximate fish-hold capacity of the vessel in pounds;
- (vii) The type and quantity of fishing gear used by the vessel; and
- (viii) The size of the crew, which may be stated in terms of a range.

(c) *Issuance.* (1) Upon receipt of a completed application, the Regional Director will issue a permit within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within ten days following the date of notification, the application will be considered abandoned.

(d) *Expiration.* A permit expires when the owner or name of the vessel changes.

(e) *Duration.* A permit is valid until it expires or is revoked, suspended, or modified under 50 CFR Part 621.

(f) *Alteration.* Any permit which has been altered, erased, or mutilated is invalid.

(g) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(h) *Transfer.* Permits issued under this Part are not transferable or assignable. A permit is valid only for the vessel for which it is issued.

(i) *Display.* Any permit issued under this Part must be carried on board the fishing vessel at all times. The permit must be prominently displayed for inspection in the pilot house of the vessel, or in another appropriate place.

(j) *Revocation.* Subpart D of 50 CFR Part 621 governs the imposition of sanctions against a permit issued under this Part. As specified in Subpart D, a permit may be revoked, modified, or suspended if the vessel for which the permit is issued is used in the commission of an offense prohibited by the Act or by this Part; or if a civil penalty or criminal penalty imposed under the Act is not satisfied.

(k) *Fees.* No fee is required for any permit under this Part.

(l) *Change in application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Regional Director within 15 days of the change.

(m) *Optional settlement program.* Any permit holder may request entry into the optional settlement program (§ 651.22) by telephoning 617-281-3600. The permit holder must give his/her name, permit number, and the starting and ending dates for participation in the program.

§ 651.5 Recordkeeping and reporting requirements.

(a) *Fish dealer or processor records.* Any person who receives groundfish for a commercial purpose from a fishing vessel subject to this Part shall:

- (1) Maintain records on all transfers, purchases, and receipts of all fish;
- (2) Permit an Authorized Officer upon demand to inspect and copy any records of transfers, purchases or receipts of all fish.

(b) *Fishing vessel records.* [Reserved]

§ 651.6 Identification.

(a) *Official number.* Each fishing vessel subject to this part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* The official number must be permanently affixed to each vessel subject to this Part in contrasting block Arabic numerals at least 18 inches in height for vessels over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length. The length of a vessel, for purposes of this section, shall be that length set forth in U.S. Coast Guard or State records.

(c) *Duties of operator.* The operator of each vessel subject to this Part shall:

- (1) Keep the vessel name and official number clearly legible and in good repair; and
- (2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

(d) *Nonpermanent markings.* Vessels carrying fishing parties on a per capita basis or by charter must use markings that meet the above requirements, except for the requirement that they be affixed permanently to the vessel. The nonpermanent markings must be displayed in conformity with the above requirements when the vessel is fishing for groundfish.

§ 651.7 Prohibitions.

It is unlawful for any person to:

- (a) Fish within the large-mesh area specified in § 651.20(a) with nets smaller

than the minimum size specified in § 651.20 (b) or (c), unless the vessel is registered in the optional settlement program established under § 651.22;

(b) Fish in either area specified in § 651.21 during a period in which that area is closed, unless allowed by that section;

(c) While fishing in closed areas I or II, employ any modification to any gear that would, in effect, make it possible to fish for groundfish;

(d) Retain on board, land, or possess any groundfish smaller than the minimum sizes specified in § 651.23.

(e) Use any vessel for taking, catching, harvesting, or landing any groundfish unless the vessel has a valid permit required under this Part, and the permit is aboard the vessel;

(f) Fail to report to the Regional Director, within 15 days, any change in the information contained in a permit application for a vessel;

(g) Falsify or fail to make, keep, or maintain any record or report required by this Part;

(h) Refuse to permit an Authorized Officer to make inspections, to inspect or copy any record relating to the taking, catching, harvesting, landing, purchase or sale or any groundfish;

(i) Make any false statement, oral or written, to an Authorized Officer, concerning the taking, catching, harvesting, landing, purchase, sale or transfer of any fish;

(j) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, or export any groundfish taken in violation of the Act, this Part, or any other regulation promulgated under the Act;

(k) Fail to affix and maintain permanent or nonpermanent markings as required by § 651.6;

(l) Refuse to permit an Authorized Officer to board a fishing vessel, or to enter areas of custody, subject to such person's control, for purposes of conducting any search or inspection in connection with the enforcement of this Act, this Part, or any other regulation promulgated under the Act;

(m) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any inspection or search described in paragraph (l) of this section;

(n) Resist a lawful arrest for any act prohibited by this Part;

(o) Interfere with, delay, or prevent by any means the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this Part;

(p) Interfere with, obstruct, delay, or prevent by any means the lawful

investigation or search in the process of enforcing this Act;

(q) Fail to comply with enforcement and boarding procedures specified in § 651.8;

(r) Transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested fish to any foreign fishing vessel within the FCZ unless the foreign vessel has been issued a permit which authorizes the receipt by such vessel of U.S.-harvested fish of the species concerned;

(s) Violate any provision of the optional settlement program specified in § 651.22; or

(t) Violate any other provision of this Part, the Act, or any other regulation promulgated under the Act.

§ 651.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for purposes of enforcing the Act and this part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" means "You should stop your vessel instantly,"

(2) "SQ3" means "You should stop or heave to; I am going to board you," and

(3) "AA AA AA etc.," is the call to an unknown station, to which the signaled vessel must respond by illuminating the vessel identification required by § 651.6(a).

(c) *Boarding.* The operator of a vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way so as to permit the Authorized Officer and the boarding party to come aboard;

(2) Provide a ladder for the Authorized Officer and the boarding party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line, and illumination for the ladder;

(4) Take such other actions as the Authorized Officer deems necessary to ensure the safety of the Authorized Officer and the boarding party and to facilitate the boarding.

§ 651.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be

subject to the civil and criminal penalty provisions and forfeiture provisions of the Act, and to Parts 620 (Citations) and 621 (Civil Procedures) of this title, and other applicable Federal law.

Subpart B—Management Measures

§ 651.20 Large-mesh area and gear limitations.

(a) The mesh sizes stated in paragraphs (b) and (c) of this section will apply to all vessels fishing within an area, which is bounded by straight lines connecting the following coordinates in the order stated:

(1)(i) The point at which a line drawn on 69°20' W longitude intersects the outer boundary of the territorial sea;

(ii) 43°40' N. latitude, 69°20' W. longitude;

(iii) 43°40' N. latitude, 69°40' W. longitude;

(iv) 41°50' N. latitude, 69°40' W. longitude;

(v) 41°50' N. latitude, 69°30' W. longitude;

(vi) 41°40' N. latitude, 69°30' W. longitude;

(vii) 41°40' N. latitude, 69°20' W. longitude;

(viii) 41°30' N. latitude, 69°20' W. longitude;

(ix) 41°30' N. latitude, 68°40' W. longitude;

(x) 41°40' N. latitude, 68°40' W. longitude;

(xi) 41°40' N. latitude, 68°30' W. longitude;

(xii) 41°50' N. latitude, 68°30' W. longitude;

(xiii) 41°50' N. latitude, 68°10' W. longitude;

(xiv) 42°00' N. latitude, 68°10' W. longitude;

(xv) 42°00' N. latitude, 67°40' W. longitude;

(xvi) 42°10' N. latitude, 67°40' W. longitude;

(xvii) 42°10' N. latitude, 66°00' W. longitude;

(xviii) 41°00' N. latitude, 66°00' W. longitude;

(xix) 41°00' N. latitude, 67°00' W. longitude;

(xx) 40°50' N. latitude, 67°00' W. longitude;

(xxi) 40°50' N. latitude, 67°40' W. longitude;

(xxii) 40°30' N. latitude, 67°40' W. longitude;

(xxiii) 40°30' N. latitude, 70°00' W. longitude;

and the point where a line drawn on 70°00' W. longitude intersects the outer boundary of the territorial sea south of Nantucket Island. The shoreward boundary of the large-mesh area is the outer boundary of the territorial sea.

(b) *Trawl nets.* Except as provided for in § 651.22, the minimum mesh size for any trawl net or scottish seine used by a vessel fishing in the large-mesh area described in paragraph (a) of this section is 5½ inches in the cod end, and 4½ inches in the body of the net until December 31, 1982. Beginning on January 1, 1983, the minimum cod-end mesh size will be 5½ inches and the minimum size for the net body will remain 4½ inches.

(c) *Gill nets.* Except as provided for in § 651.22, the minimum mesh size for any gill net used by a vessel fishing in the large-mesh area described in paragraph (a) of this section is 5½ inches.

(d) *Mesh measurements.* (1) Mesh sizes are measured when wet after use by a wedge-shaped gauge having a taper of two centimeters in eight centimeters and a thickness of 2.3 millimeters, inserted into the meshes under pressure or pull of five kilograms. The mesh size of the body of the net will be the average of the measurements of any series of 20 consecutive meshes. The cod end will be measured in the same manner at least 10 meshes from the lacings, beginning at the after end and running parallel to the long axis.

(2) No fishing vessel may use any device or method which would have the effect of reducing mesh size, except that:

(i) Chafing gear which does not obstruct the meshes of the cod end may be attached, and

(ii) Net strengtheners may be attached to the cod end of trawl nets, providing such net strengtheners consist of mesh material similar to the material of the cod end and have a mesh size of at least twice the authorized minimum mesh size.

§ 651.21 Closed areas.

(a) *General.* Except as allowed by paragraph (b) of this section, no person may fish within the following areas during the months of March, April, and May:

(1)(i) An area known as Closed Area I bounded by straight lines connecting the following coordinates in the order stated:

(A) 41°50' N. latitude, 69°45' W. longitude;

(B) 40°55' N. latitude, 68°55' W. longitude;

(C) 41°35' N. latitude, 68°30' W. longitude;

(D) 41°50' N. latitude, 68°45' W. longitude;

(E) 41°50' N. latitude, 69°45' W. longitude;

(2)(i) An area known as Closed Area II bounded by straight lines connecting

the following coordinates in the order stated:

- (A) 42°20' N. latitude, 67°00' W. longitude;
- (B) 41°15' N. latitude, 67°00' W. longitude;
- (C) 41°15' N. latitude, 65°40' W. longitude;
- (D) 42°00' N. latitude, 65°40' W. longitude;
- (E) 42°20' N. latitude, 66°00' W. longitude;
- (F) 42°20' N. latitude, 67°00' W. longitude;

(b) *Exceptions.* Paragraph (a) of this section does not apply to:

(1) Longline vessels that fish in Closed Area I with hooks having a gape of not less than 1.18 inches;

(2) Vessels that fish in Closed Area I or II using only the following fishing gear:

- (i) Pot gear designed and used to take lobsters; or
- (ii) Dredges designed and used to take scallops.

§ 651.22 Optional settlement program.

(a) *General.* The Regional Director will establish and implement an optional settlement program to allow fishing vessels to engage in legitimate small-mesh fisheries within the large-mesh area defined in § 651.20(a). The Regional Director will maintain a list of small-mesh species to which the optional settlement program applies. He may add a species to the list if he finds that fishing for that species requires small-mesh gear and does not result in a significant harvest of groundfish. Notice of addition to the list will be mailed to all permit holders.

(b) *Entry.* (1) Any person holding a valid Federal fishing permit may apply to fish under the optional settlement program by following the procedures set forth in § 651.4(m).

(2) The period of participation must be for at least 30 days, but not longer than six months. There is no limit on the number of times a vessel can apply to participate in the optional settlement program.

(c) *Certification.* (1) The Regional Director may certify in writing the entry of the applicant into the optional settlement program. Entry may be denied to an applicant based upon previous violations of the Act. Any applicant denied entry into the optional settlement program may request a hearing. The hearing will be conducted in accordance with the procedures of 50 CFR 621.56. Mail requests to the Assistant Administrator for Fisheries.

(2) Entry of the applicant into the optional settlement program cannot

occur until the applicant receives written certification from the Regional Director.

(d) *Commencement of fishing.* Fishing under the optional settlement program may begin after the applicant has received the certification from the Regional Director, provided that a copy of the certification is retained on board the vessel and displayed for inspection upon the request of any Authorized Officer.

(e) *Limitations.* (1) During the participation period, the total catch of a participating vessel must be at least 50 percent by round weight of the species on the Regional Director's list under § 651.22(a).

(2) During the participation period, a participating vessel may not land groundfish in quantities exceeding 15 percent of its total catch of all other species. This means that the combined total catch of cod, haddock, and yellowtail flounder cannot exceed 15 percent of the vessel's total catch of all other species, regardless of the area of the Northwest Atlantic in which they were caught.

(3) The Regional Director may increase this percentage of combined cod, haddock, and yellowtail flounder by publication in the *Federal Register* if he finds that a different percentage is necessary to conduct the small-mesh fisheries.

(f) *Record keeping and reporting.* The participant shall mail or deliver to the Regional Director, a NOAA Form 88-153 "Fishing Vessel Record" listing in pounds, all fish caught during the participation period within one week from the end of such period. The participant shall maintain landing records throughout this period, and, if requested, shall present such records to any Authorized Officer within a reasonable time, not to exceed 2 working days.

(g) *Expiration or withdrawal.* Participation in the program expires at the end of the participation period, when the owner or vessel name changes, or when the participant notifies the Regional Director of his/her intent to withdraw from the program. Such withdrawal will become effective upon notice of receipt of a withdrawal from the Regional Director.

(h) *Revocation.* The Regional Director may end the participation of the applicant in the optional settlement program after issuance of a notice of violation and assessment for violating any provisions of the program or the Act. Notification will be in writing and take effect upon receipt by the participant. Any applicant whose certification is revoked may request a

hearing. The hearing will be conducted in accordance with the procedures of § 621.56. Mail request to the Assistant Administrator for Fisheries, NMFS, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

§ 651.23 Minimum fish size.

(a) The minimum size (total length) for any groundfish is:

(1) *Commercial.*

Cod and haddock: 17 inches
Yellowtail flounder: 11 inches

(2) *Recreational fishing vessels, charter and party boats.*

Cod and haddock: 15 inches
Yellowtail flounder: 11 inches

(b) The minimum lengths allowed by paragraph (a) of this section are measured on a straight line from the tip of the snout to the end of the tail.

[FR Doc. 82-0426 Filed 3-25-82; 2:55 pm]

BILLING CODE 3510-22-M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Parts 1252, 1253, 1260, 1261

Whistleblower Allegations Referred to Agencies for Investigation or Report

AGENCY: Office of the Special Counsel, MSPB.

ACTION: Final rule.

SUMMARY: These amendments to regulations of the Office of the Special Counsel clarify requirements for whistleblower allegations referred by the Office to agencies for investigation or report, add addresses of new field offices and make other technical changes.

EFFECTIVE DATE: March 31, 1982.

ADDRESS:

FOR FURTHER INFORMATION: Mary Eastwood, Office of the Special Counsel (202-853-8972).

SUPPLEMENTARY INFORMATION: Proposed amendments to the regulations concerning the Special Counsel's authority to receive and refer to agencies for investigation or report certain disclosures of information that a federal employee, former employee or applicant believes evidences a violation of law, rule or regulation, or mismanagement, abuse of authority, a gross waste of funds or a substantial and specific danger to public health or safety were published in the *Federal Register* on December 11, 1981 (46 FR 60591). Comments were received from three agencies, two federal employee unions and one public interest group.

The three agencies objected on grounds of burdensomeness to the requirement that agency heads personally sign reports submitted to the Special Counsel pursuant to 5 U.S.C. 1206(b)(3) and requests for extension of time in which to submit the reports. The Special Counsel believes that personal review and signature of the reports by the agency head is necessary to ensure accountability for the results of investigations of alleged agency wrongdoing. This added accountability was contemplated by the statute and outweighs the burden it may place on the agency. However, the proposed requirement that requests for extension of time also be signed by the agency head has been deleted as too burdensome.

One union recommended that § 1252.1 be revised to permit a person to submit information concerning agency wrongdoing but remain anonymous if the union certified to the Special Counsel that the person is a present or former employee. The proposed change may not be within the Special Counsel's authority. In any case, it falls outside the scope of the proposed regulations.

The public interest group recommended that the Office of the Special Counsel's evaluation of agency reports, pursuant to 5 U.S.C. 1206(b)(6), be transmitted to the Congress and to the President along with the agency report. This requirement is added to § 1252.2(f).

The public interest group also urged that, in referring certain allegations to agencies from anonymous sources or from non-federal employees, the Special Counsel recommend an investigation and report, even though he cannot compel the agency to undertake them. While there is nothing to preclude the Special Counsel from making such unenforceable recommendations, this is a matter best left to the discretion of the Special Counsel in individual cases.

Three additional technical changes have been made in the proposed regulations. In § 1252.2(b), a requirement that agencies submit an original and five copies of reports required by 5 U.S.C. 1206(b)(3) has been added. This will provide sufficient copies to send to the President, the Senate, the U.S. House of Representatives and the complainant, and to place in the case file and the public file required by 5 U.S.C. 1206(d). Section 1252.2(f) is changed to provide for determination of whether agency findings "appear" reasonable instead of "are" reasonable, to more closely track the statutory language, 5 U.S.C. 1206(b)(6). Finally, the geographic coverage of the various field offices of the Office of the Special Counsel is set

forth in § 1253.1 and a provision is added requiring the submission to the central office of all disclosures of information for referral to agencies.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Special Counsel certifies that he has determined that regulations of the Office of the Special Counsel do not have a significant impact on a substantial number of small entities, including small businesses, small organizations and small governmental jurisdictions.

Accordingly, Parts 1252-1261 of Subchapter B of Chapter II of Title 5, Code of Federal Regulations, are amended as follows:

1. The authority citation for Parts 1252 and 1253 reads as follows:

Authority: 5 U.S.C. 1206(k), sec. 204(g) of Reorganization Plan No. 2 of 1978.

PART 1252—DISCLOSURES OF INFORMATION (WHISTLEBLOWING)

2. Section 1252.1 of Part 1252, relating to disclosures of information (whistleblowing), is amended by adding at the end:

§ 1252.1 Applicability.

* * * This part applies only to disclosures made by or on behalf of a present or former federal employee or applicant for employment.

§ 1252.2 [Amended]

3. Paragraph (b) of § 1252.2 is revised to read as follows:

(b) Any report required by the Special Counsel under this section shall be submitted, together with five additional copies, within 60 calendar days after the date on which the Special Counsel transmitted the information to the head of the agency, or within any reasonable longer period of time agreed to in writing by the Special Counsel. In the event the agency finds that it is unable to adequately investigate and report within the time limit imposed by the statute, the agency shall, as soon as practicable, but not less than ten days before the date the report is due to the Special Counsel, submit a written request for extension of time to the Special Counsel specifying the additional time required and the reasons therefor.

4. Paragraph (d) of § 1252.2 is redesignated paragraph (f) and is revised to read as follows:

(f) Any report required under this section will be transmitted by the Special Counsel to the Congress and to

the President, after review to determine whether the findings appear reasonable and if the report meets the requirements of 5 U.S.C. 1206(b)(4). The Special Counsel's evaluation will be included in the transmittal of the report to the Congress and the President.

5. A new paragraph (d) of § 1252.2 is added, to read as follows:

(d) Any report required under this section which does not bear the signature of the agency head does not meet the requirements of 5 U.S.C. 1206(b)(4) and will be returned for the personal review and signature of the agency head.

PART 1253—FILING OF COMPLAINTS AND ALLEGATIONS

6. Section 1253.1 of Part 1253, relating to filing of complaints and allegations, is revised to read as follows:

§ 1253.1 Place of filing.

(a) Allegations of prohibited personnel practices or other violations of civil service law within the investigative authority of the Special Counsel described in Part 1251 of this chapter should be submitted to the Special Counsel at the appropriate address listed below:

(1) For the District of Columbia, Maryland, Virginia, West Virginia, Puerto Rico, the Virgin Islands, and overseas areas other than the Pacific Ocean area:

Office of the Special Counsel, 1120 Vermont Avenue NW., Room 818, Washington, DC 20419

(2) For Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee:

Office of the Special Counsel, 1365 Peachtree Street, Room 317, Atlanta, GA 30309

(3) For Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming:

Office of the Special Counsel, 1100 Commerce Street, Room 2B29, Dallas, TX 75242

(4) For Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and Wisconsin:

Office of the Special Counsel, 325 Chestnut Street, Room 505, Philadelphia, PA 19106

(5) For Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington and the Pacific Ocean area:

Office of the Special Counsel, 450 Golden Gate Avenue, Room 11454, P.O. Box 36007, San Francisco, CA 94102

(b) Information evidencing violations of law, rule or regulation or mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety, described in Part 1252, of this chapter, should be submitted to the Office of the Special Counsel, 1120 Vermont Avenue, NW., Room 818, Washington, D.C. 20419.

PART 1260—PUBLIC INFORMATION

PART 1261—PRIVACY

§§ 1260.1, 1260.3, 1260.5 and 1261.2
[Amended]

7. The address of the Office of the Special Counsel in §§ 1260.1, 1260.3, 1260.5 and 1261.2 is changed to read: "1120 Vermont Avenue, NW., Washington, D.C. 20419."

Dated: March 25, 1982.

Alex Kozinski,
Special Counsel.

[FR Doc. 82-8504 Filed 3-29-82; 8:45 am]

BILLING CODE 7400-02-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 620

Alternative Work Schedules Experiments

AGENCY: Office of Personnel
Management.

ACTION: Final rule.

SUMMARY: The expiration date of Public Law 95-390, the Federal Employees Flexible and Compressed Work Schedules Act of 1978, has been extended until the first day of the second pay period beginning after July 4, 1982. This final rule continues the effectiveness of the existing regulations in Part 620 of Title 5, Code of Federal

Regulations, of the Office of Personnel Management for the administration of the Alternative Work Schedules program.

EFFECTIVE DATE: March 29, 1982.

FOR FURTHER INFORMATION CONTACT:
Dwight W. Brown, (202)-632-4634.

SUPPLEMENTARY INFORMATION: The three-year experimental program for alternative work schedules, authorized by Public Law 95-390, has been extended for approximately four months. The authorities for flexible and compressed work schedules under this program have been extended until the first day of the second pay period beginning after July 4, 1982. For employees with a pay period commencing on Sunday, July 4th, the first day of the second pay period that begins after July 4th is August 1, 1982, and the flexible or compressed work schedule may be used through July 31, 1982. For employees with a pay period commencing on Sunday, June 27, 1982, the first day of the second pay period that begins after July 4th is July 25, 1982, and the flexible or compressed work schedule may be used through July 24, 1982.

The purpose of this final rule is to remove the current expiration date of the OPM regulations and to continued them in effect for the administration of the Alternative Work Schedules program.

This extension of the effective date of Public Law 95-390 and OPM regulations will permit the continuation of any experiment established pursuant to Public Law 95-390. Agencies may also reestablish, consistent with any collective bargaining obligation alternative work schedule experiments that were terminated in anticipation of the expiration of Public Law 95-390.

I find that good cause exists for waiving the delay of effectiveness usually required by 5 U.S.C. 553(d). The delay of effectiveness is waived because of the need to continue existing OPM regulations concurrent and consistent with the extension of Public Law 95-390,

and because delay of effectiveness would frustrate the intent of Congress and the President as expressed in their enactment and approval of the extension.

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation. This document is being published without final clearance from the Office of Management and Budget under the exemption provision in Section 8(a)(1) of the Order. It is impracticable for OPM to follow the procedures of this Order because of the need to continue existing OPM regulations concurrent with the extension of Public Law 95-390.

I certify that, within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

In accord with 1 CFR Part 18, the following subject terms identify major topics and categories of persons affected by this rulemaking:

List of Subjects in 5 CFR Part 620¹

Government employees, Personnel
Management Office, Labor.

Office of Personnel Management.

Donald J. Devine,
Director.

PART 620—ALTERNATIVE WORK SCHEDULES EXPERIMENTS

Accordingly, this final rule continues the effectiveness of the existing regulations in Part 620 of Title 5, Code of Federal Regulations, for the administration of the Alternative Work Schedules program.

(Pub. L. 95-390, as amended)

[FR Doc. 82-8715 Filed 3-29-82; 12:07 pm]

BILLING CODE 6325-01-M

¹ Office of Personnel Management is providing this list in compliance with 1 CFR 18.20. That regulation requires agencies to include a list of index terms for each CFR part affected in Rules and Proposed Rules documents published in the Federal Register beginning April 1, 1982.

Proposed Rules

Federal Register

Vol. 47, No. 61

Tuesday, March 30, 1982

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1942

Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise its regulations pertaining to the method for determining grant assistance for water and/or waste disposal systems. The proposed revision will provide grant assistance to communities based on the median family income in the applicant service area as a percentage of the nonmetropolitan median family income of the State, rather than based on fixed median family income categories. The intended effect of this action is to establish a more equitable method of providing the greatest amount of grant assistance to low income communities that can least afford water and/or waste disposal services and to allow flexibility to make necessary median family income adjustments as updated income data becomes available.

DATES: Comments must be received on or before June 1, 1982.

ADDRESS: Submit written comments in duplicate to the Chief, Directives Management Branch, Farmers Home Administration, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Howard Henderson, Loan Specialist, Water and Waste Disposal Division, Farmers Home Administration, Room 6328, South Agricultural Building, 14th and Independence Avenue, SW.,

Washington, DC 20250, telephone (202) 382-9589.

SUPPLEMENTARY INFORMATION:

Classification

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor. The reasons for this designation are that the proposed rule will not have:

- (a) An annual effect on the economy of \$100 million or more; or
- (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.

Charles W. Shuman, Administrator, Farmers Home Administration (FmHA), has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities, since FmHA is currently projecting that only 350 grants would be made a year.

This proposed action requires no change in recordkeeping or reporting requirements imposed upon the public.

Clearinghouse Review

The FmHA programs and projects which are affected by this instruction are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Programs Affected

CFDA No. 10.418, Water and Waste Disposal Systems for Rural Communities.

Background

The objective of FmHA water and waste disposal grant program is to provide the greatest amount of grant assistance to low income communities that can least afford water and/or waste disposal services in order to reduce user costs to a reasonable level. The present method for accomplishing this goal is to consider applicants for grant assistance only when the debt service portion of the average annual user cost exceeds an established percentage of median family income in the service area. This percentage varies depending on which fixed median family income category the community falls into. Specifically, grant assistance will be considered only when the debt service portion of the average annual user cost exceeds the following percentages of median family income (MFI) in the service area:

- (1) .75 percent when the MFI is under \$6,000.
- (2) 1.00 percent when the MFI is \$6,000-\$10,000.
- (3) 1.25 percent when the MFI is over \$10,000.

In no case may FmHA grants exceed 75 percent of eligible project development costs, according to statutory limitations.

With the reduction in the water and waste disposal grant program allocation, an equitable method of assisting those communities most in need is essential. The present grant determination method has become obsolete due to the fixed median family income categories used to determine the amount of assistance. These fixed median family income categories were developed based on 1970 census data. When FmHA State and District Offices were instructed recently to begin using 1977 updated census information in determining median family incomes for communities, the substantial increases in the median family incomes since 1970 resulted in a high percentage of communities falling into only one category, the category that would provide the least grant assistance. Thus, varying levels of assistance have now not been effectively provided.

Alternatives

One alternative considered was to update the income levels of the three categories now in use. As an example, grant assistance would be considered only when the debt service portion of the average annual user cost exceeds the following percentage of median family income (MFI) in the service area.

(1) .75 percent when the MFI is under \$10,000.

(2) 1.00 percent when the MFI is \$10,000-\$15,000.

(3) 1.25 percent when the MFI is over \$15,000.

The fixed income categories would, like the present method, require periodic updates as the census data used by FmHA to determine median family incomes for communities was updated. The use of fixed median family income categories on a national basis results in inequalities on an area by area basis as well.

A second alternative considered was to abolish the present categorical grant determination method entirely and substitute a similar system user cost method. Under this alternative, if FmHA determines that a reasonable average annual cost to the applicant for delivery of service to residential type users has not been achieved, FmHA may proceed with a grant in an amount necessary to reduce such cost to not below a reasonable user rate. A reasonable user rate is defined as that which is not less than the existing prevailing rates in communities being served by an established system constructed at similar cost per user and having similar economic conditions. Each FmHA State Director would be responsible for determining a reasonable user rate, and therefore, the amount of grant to each applicant.

This alternative was rejected because there would be no mechanism to insure that users would be paying at least a reasonable amount for debt service based on their ability to pay. In addition, there would be no assurance that grant funds would be directed to those communities most in need.

A third alternative considered was to replace the fixed median family income categories with categories based on the median family income in the applicant service area as a percentage of nonmetropolitan median family income of the State. With this alternative, there would be three categories, following the same criteria as the proposed tiered interest rate schedule for community program loans. Also, the debt service portion of the average annual user cost as a percentage of median family income in the service area will be

modified to assist the lowest income communities. With this alternative, grant assistance would be considered only when the debt service portion of the average annual user cost would exceed the following percentages of median family income (MFI) in the service area:

(1) .50 percent when the MFI of the service area is below the poverty line.

(2) 1.00 percent when the MFI of the service area is not more than 85 percent of the nonmetropolitan median family income (NMFI) of the State.

(3) 2.00 percent when the MFI of the service area is more than 85 percent of the NMFI of the State.

This alternative would not need to be updated as median family incomes change since the categories are based on percentages. However, it was rejected because it would still not ensure that grant assistance would be delivered to low income communities that can least afford water and/or waste disposal services.

The fourth alternative considered would maintain the same debt service percentages as the first two categories, respectively, as listed in the third alternative. However, grant funds would not be permitted in any project where the median family income of the service area is more than 85 percent of the nonmetropolitan median family income of the State. With this alternative, grant assistance would be considered only when the debt service portion of the average annual user cost would exceed the following percentages of median family income (MFI) in the service area:

(1) .50 percent when the MFI of the service area is below the poverty line.

(2) 1.00 percent when the MFI of the service area is not more than 85 percent of the nonmetropolitan median family income (NMFI) of the State.

(3) No FmHA grant funds will be used in any project when the MFI of the service area is more than 85 percent of the NMFI of the State.

This alternative was selected because it would not need to be updated as median family incomes change since the categories are based on percentages. Moreover, with the limited amount of FmHA grant funds, it would ensure compliance with the Conference Report to the Omnibus Budget Reconciliation Act of 1981 which intends that 75 percent of all water and waste disposal grant funds be used in communities in which a significant percentage of the persons to be served are of low income.

PART 1942—ASSOCIATIONS

Accordingly, FmHA proposes to amend Subpart H of Part 1942, Chapter

XVIII, Title 7, Code of Federal Regulations as follows:

1. Section 1942.355 is amended by adding a new paragraph (a)(12) to read as follows:

§ 1942.355 Grant limitations.

(a) * * *

(12) Pay any costs of a project when the median family income of the service area is more than 85 percent of the nonmetropolitan median family income of the State.

* * *

2. Section 1942.356 is amended by redesignating paragraphs (b)(3) through (b)(7) as (b)(4) through (b)(8) respectively, by adding a new paragraph (b)(3), and by revising paragraphs (a), (b)(2), (b)(5), (b)(6), and (b)(7) to read as follows:

§ 1942.356 Determining the need for development grants.

(a) FmHA District Directors are responsible for determining applicant eligibility for grants and the amount of such grants. Form FmHA 1942-51, "Water and Waste Disposal Development Grant Summary," will be used to determine the amount of FmHA grant assistance for which the applicant qualified. A separate form will be used to record the determination of FmHA grant assistance for each water, sewer collection and treatment, solid waste, and storm drainage project. A copy of each such form along with the letter of conditions and Form FmHA 1942-45, "Project Summary—Water and Waste Disposal and Other Utility-Type Projects," will be submitted to the National Office, Attention: Water and Waste Disposal Division by the State Director not later than the time of issuance of the letter of conditions.

(b) * * *

(2) Ordinarily, an applicant will be considered for grant assistance only when the debt service portion of the average annual user cost for either water or waste service, for only those users in the applicant service area, exceeds the following percentages of median family income (MFI):

(i) .5 percent when the MFI of the service area is below the poverty line. The poverty line will be that income prescribed by the Office of Management and Budget for a nonfarm family of four, as adjusted under Section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d).

(ii) 1.0 percent when the MFI of the service area is not more than 85 percent of the nonmetropolitan median family income (NMFI) of the State.

(iii) No FmHA grant funds will be used in any project when the MFI of the service area is more than 85 percent of the MNFI of the State.

(3) The median family income of the service area and the nonmetropolitan median family income for the State will be determined in accordance with paragraph (b)(7) of this section. Except as provided for in paragraphs (b), (b)(5), and (b)(6) of this section, the grant will not exceed an amount necessary to reduce the debt service portion of the average annual user cost to the applicable percent level listed above. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section. However, an exception to the reasonable user rate may be authorized by the FmHA National Office in accordance with paragraph (b) of this section.

(5) If, after applying the formula described in paragraph (b)(2)(i) or (b)(2)(ii) of this section, FmHA determines that a reasonable user cost has not been achieved due to unusually high operation and maintenance costs, construction or water acquisition costs, or other factors, FmHA may proceed with a grant in an amount necessary to reduce the user cost to not below a reasonable level as defined in paragraph (b) of this section. However, an exception to the reasonable user rate may be authorized by the FmHA National Office in accordance with paragraph (b) of this section.

(6) If, after applying the formula described in paragraph (b)(2)(i) or (b)(2)(ii) of this section, FmHA determines that a reasonable average annual cost to the applicant for delivery of service to residential type users has not been achieved, FmHA may proceed with a grant in an amount necessary to reduce such cost to not below a reasonable user rate as defined in paragraph (b) of this section, provided this option is only available to an applicant that imposes uniform charges for similar classes of service throughout their service area. Reasonable average annual cost to the applicant is defined as that which is not less than existing prevailing costs in communities, being served by an established system, having similar economic conditions.

(7) The income data used to determine median family income should be that which most accurately reflects the income of the service area. The service area is that area reasonably expected to be served by the facility being financed by FmHA. The median family income of the service area or those reference

communities used in comparing the proposed system with similar systems, and the nonmetropolitan median family income for the State will be determined from the U.S. Department of Commerce, Bureau of Census, Publication PC (1)—C Series, or from unpublished Bureau of Census data for individual enumeration districts. If there is reason to believe the census data is not an accurate representation of the median family income within the area to be served, the reasons will be documented and the applicant may furnish, or FmHA may obtain, additional information regarding such median family income. Such information will consist of reliable data from local, regional, State or Federal sources or from a survey conducted by a reliable impartial source. The nonmetropolitan median family income of the State should be updated, using reliable data from State or Federal sources as such data becomes available.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: March 24, 1982.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 82-8499 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1942

Community Programs Interest Rate

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: FmHA proposes to amend its regulations to provide alternative interest rates for Water and Waste Disposal and Community Facility loans, depending on the median income of families in the service area. Under present regulations, certain loans for facilities required to meet health or sanitary standards where the median family income is below the poverty line, bear interest at the rate of five percent. Other loans bear interest at a rate based on the current market yield on municipal obligations. This action is necessary to maintain the concept of interest rates based on market yield for higher income communities and provide reduced interest rates for additional lower income communities. The intended effect of this action is to create three interest rates for community facility and water and waste disposal loans instead of the two rates not provided for.

DATE: Comments must be received on or before April 29, 1982.

ADDRESSES: Submit written comments in duplicate to the Chief, Directives

Management Branch, Farmers Home Administration, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

Wayne Stansbery, Loan Officer, Community Facilities Loan Division, Farmers Home Administration, Room 6306, South Agriculture Building, Washington, DC 20250, telephone (202) 382-1490, or Howard Henderson, Loan Officer, Water and Waste Disposal Loan Division, Farmers Home Administration, Room 6328, South Agriculture Building, Washington, DC 20250, telephone (202) 382-9589.

SUPPLEMENTARY INFORMATION:

Classification

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor.

The proposed rule will not have:

- (a) An annual effect on the economy of \$100 million or more; or
- (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.

This proposed action requires no change in recordkeeping or reporting requirements imposed upon the public. Three forms are referred to in the proposed rule. Two of the forms, Form FmHA 442-43 and Form FmHA 1942-45 are for internal Agency use only. The third form, Form FmHA 1940-1, requires the signature of applicant representatives but is prepared by FmHA. All three forms have been in use for some time and their use will not be increased or significantly changed by this proposed rule.

Clearinghouse Review

The FmHA programs and projects which are affected by this instruction are subject to State and local clearinghouse review, in the manner delineated in FmHA Instruction 1901-H.

Environmental Impact:

This document has been reviewed in accordance with 7 CFR Part 1901,

Subpart G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Programs Affected

Catalogue of Federal Domestic Assistance (CFDA) No. 10.423, Community Facilities Loans; CFDA No. 10.418, Water and Waste Disposal Systems for Rural Communities.

Comment Period

FmHA believes the nature of this proposed rule warrants a comment period of less than 60 days. Public comments regarding community facility and water and waste disposal interest rates were recently requested in connection with the final rule published on September 30, 1981. The comments received since that publication were considered in developing this proposal. This comment period will give the public an additional opportunity to reply to these amendments before the Agency makes any changes. In addition, the proposed regulation changes further the objectives of the FmHA community facility and water and waste disposal programs by providing the greatest amount of assistance to those communities in greatest need. The existing higher interest rate precludes some applicants who do not qualify for the poverty line rate from obtaining a loan. Therefore, it would be in the public interest to implement additional changes in the interest rate regulations as soon as possible, consistent with legal and administrative requirements. Accordingly, a comment period of 30 days is established for this proposed rule.

Background

On September 30, 1981, FmHA published a Final Rule, on pages 47762 through 47764 of the Federal Register, to implement requirements of the Omnibus Budget Reconciliation Act of 1981. That rule established a method of determining the interest rate for Water and Waste Disposal and Community Facility loans using the Bond Buyer Index for guidance. The resulting interest rate was 12.25 percent for the first quarter and 11.375 percent for the second quarter of Fiscal Year 1982. It is referred to as the market rate.

The rule also established that certain loans, for facilities required to meet health or sanitary standards where the

median family income of the service area is below the poverty line for a nonfarm family of four, as prescribed by the Office of Management and Budget, are made at five percent interest. The rate is increased by two percent for certain community facility loans that involve the use of prime farmland.

Six formal written comments on the rule have been received and answered individually. In addition, numerous informal comments on the rule have been received during normal day-to-day contacts between FmHA officials and the public. Several of the commenters have expressed concern that many potential applicants need assistance with projects that are not eligible for the five percent interest rate yet are not economically feasible at the higher interest rate. FmHA desires to amend the interest rate regulations to provide more flexibility to adjust the interest rate according to the income of the applicant community. The Agency desires to allow somewhat lower interest rates in lower-income communities while maintaining the concept of market rate for communities that can afford to pay market rate.

Alternatives

One alternative considered was to develop additional criteria for determining that applicants are of low income, thereby allowing more applicants to qualify for the five percent rate. This would only affect projects required to meet a health or sanitary standard. There would still be a large gap between the low interest rate and the high interest rate.

A second alternative considered was to establish a sliding scale of interest rates depending on the median family income of the service area. This alternative would be complicated to administer, confusing to applicants, and may result in substantial subsidies.

The third alternative considered was to establish two additional interest rates between five percent and market rate. This alternative would establish a rate of five percent plus one-third of the difference between five percent and market rate, for loans where the median family income of the service area is 80 percent or less of the nonmetropolitan median family income of the State. A rate of five percent plus two-thirds of the difference between five percent and the market rate would apply to loans where the median family income of the service area is more than 80 percent but not more than 95 percent of the nonmetropolitan median family income of the State.

This alternative would also be confusing to applicants and complicated

to administer, due to the number of different possible interest rates. In addition, it could result in an excessive percentage of the loans being made at a reduced interest rate. This could detract from the concept of basing the program interest rate on the market and result in substantial subsidy costs.

The fourth alternative considered would maintain the two rates now in use and establish one additional rate half way between five percent and the market rate. The new intermediate rate would apply to projects that do not meet the requirements for the five percent rate when the median family income of the service area is not greater than 85 percent of the nonmetropolitan median family income of the State.

This alternative will provide some interest rate reduction to communities with income significantly below the median in their State, regardless of whether the income is below the poverty line or the project is required to meet a health or sanitary standard. It will allow the interest rate to vary with the income of the applicant community, yet limit the number of different interest rates. It will preserve the concept of market rate for a large percentage of the loans and thereby limit the subsidy cost of the programs. FmHA believes this option will maximize the net benefit to society.

List of Subjects in 7 CFR Part 1942¹

Business and industry
Community development
Community facilities
Grant programs—Housing and community development
Industrial park
Loan Programs—Housing and community development
Loan programs—Natural resources
Loan security
Rural areas
Soil conservation
Waste treatment and disposal—Domestic
Water supply—Domestic

PART 1942—ASSOCIATIONS

Accordingly, FmHA proposes to amend Subpart A of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations by revising § 1942.17(f) to read as follows:

§ 1942.17 Appendix A—Community Facilities.

* * * * *

¹ Farmers Home Administration is providing this list in compliance with 1 CFR 18.20. That regulation requires agencies to include a list of index terms for each CFR part affected in Rules and Proposed Rules documents published in the Federal Register, beginning April 1, 1982.

(f) *Rates and terms*—(1) *General*. The interest rate to be charged on each loan will be entered in item 26 of Form FmHA 1940-1, "Request for Obligation of Funds," on the date the applicant is notified of loan approval. The interest rate for each loan will be established on the date the loan is approved and the applicant notified. Each loan will bear interest at the appropriate rate prescribed in FmHA Instruction 440.1, Exhibit B (which is available in any FmHA office). The interest rates will be set by FmHA at least for each quarter of the fiscal year. All rates will be adjusted to the nearest one-eighth of one per centum. For each loan, the basis for determining what interest rate is appropriate will be completely documented on Form FmHA 442-43, "Project Summary—Community Facilities, (Other Than Utility-Type Projects)," or Form FmHA 1942-45, "Project Summary—Water and Waste Disposal and Other Utility Type Projects."

(2) *Market rate*. The market interest rate will be set using as guidance the average of the Bond Buyer Index for the four weeks prior to the first Friday of the last month before the beginning of the quarter. The market rate will apply to all loans that do not qualify for a different rate under paragraph (f) (3) or (4) of this section. It may be adjusted as provided in paragraph (f)(5) of this section.

(3) *Poverty line rate*. The poverty line interest rate will not exceed five per centum per annum. It will apply to loans for which the loan approval official determines both the following conditions exist:

(i) The primary purpose of the loan is to upgrade existing facilities or construct new facilities required to meet applicable health or sanitary standards. Documentation will be obtained from the appropriate regulatory agency with jurisdiction to enforce the standard, to verify that a bona fide standard exists, what that standard is, and that the proposed improvements are needed and required to meet the standard; and

(ii) The median family income of the service area is below the poverty line for a nonfarm family of four, as prescribed by the Office of Management and Budget (OMB), as adjusted under Section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d).

(4) *Intermediate rate*. The intermediate interest rate will be set at the poverty line rate plus one-half of the difference between the poverty line rate and the market rate. It will apply to loans that do not meet the requirements for the poverty line rate and for which the median family income of the service area is not more than 85 percent of the

nonmetropolitan median family income of the State.

(5) *Prime farmland*. For essential community facilities loans, the rate indicated by paragraph (f) (2), (3), or (4) of this section will be increased by two per centum per annum if the project being financed will involve the use of, or construction on, prime or unique farmland in accordance with FmHA Instruction 440.1, Exhibits B and J (which are available in any FmHA office).

(6) *Income determination*. The income data used to determine median family income should be that which most accurately reflects the income of the service area. The service area is that area reasonably expected to be served by the facility being financed by FmHA. The median family income of the service area and the nonmetropolitan median family income for the State will be determined from the U.S. Department of Commerce, Bureau of Census, Publication PC (1)—C Series, or from unpublished Bureau of Census data for individual enumeration districts. If there is reason to believe that the census data is not an accurate representation of the median family income within the area to be served, the reasons will be documented and the applicant may furnish, or FmHA may obtain, additional information regarding such median family income. Such information will consist of reliable data from local, regional, State or Federal sources or from a survey conducted by a reliable impartial source. The nonmetropolitan median family income of the State should be updated, using reliable data from State or Federal sources as such data becomes available.

(7) *Repayment terms*. Loans will ordinarily be scheduled for repayment on terms similar to those used in the State for financing such facilities but in no case shall they exceed the useful life of the facility or 40 years from the date of the note(s) or bond(s), whichever is less. In all cases, including those in which the FmHA is jointly financing with another lender, the FmHA payments of principal and interest should approximate amortized installments.

(i) If the borrower will be retiring other debts the repayment on such debts may be considered in developing the repayment schedule for the FmHA loans.

(ii) Principal payments may be deferred in whole or in part for a period not to exceed the end of the third full year after the estimated date of loan closing. If for any reason it appears necessary to permit a longer period of deferment, the State Director may

authorize such deferment with the prior approval of the National Office. Deferments of principal will not be used to:

(A) Postpone the levying of taxes or assessments.

(B) Delay the collection of the full rates which the borrower has agreed to charge users for its services as soon as major benefits or the improvements are available to those users.

(C) Create reserves for normal operation and maintenance.

(D) Make any capital improvements except those approved by FmHA determined to be essential to the repayment of the loan or to the obtaining of adequate security thereof.

(E) Accelerate the payment of other debts.

(iii) *Payment date*. Loan payments will be scheduled to coincide with income availability and be in accordance with State law. Monthly payments will be required if consistent with the foregoing, and will be enumerated in the bond, other evidence of indebtedness, or other supplemental agreement. Insofar as practical monthly payments will be scheduled one full month following the date of loan closing; or semiannual or annual payments will be scheduled six or twelve full months respectively, following the date of loan closing or any deferment period. Due dates falling on the 29th, 30th or 31st day of the month will be avoided.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: March 24, 1982

Frank W. Naylor, Jr.,
Under Secretary for Small Community and Rural Development.

[FR Doc. 82-8500 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-07-M

Agricultural Marketing Service

7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Suspension of the provisions was requested by a cooperative association to assure the efficient disposition of milk not needed

for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market. The proposed suspension would remove the limit on such movements of milk during the months of April 1982 through August 1982.

DATES: Comments are due not later than April 6, 1982.

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

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the required suspension procedures and the inclusion of April 1982 in the requested suspension period if this is found necessary. The request for the action was received March 19, 1982.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Lake Mead marketing area is being considered for the months of April 1982 through August 1982:

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of

March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month".

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 6, 1982. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include April 1982 in the suspension period.

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

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months.

The suspension was requested by a cooperative association that supplies the market with a substantial part of its fluid milk needs and handles all of the market's reserve milk supplies. The basis for the request is that current marketing conditions require the association to handle an increasing quantity of reserve milk supplies during April-August 1982 because of increased milk production by the market's producers. The cooperative stated that milk production by producers on the market is approximately 5 percent above last year. It indicated that this situation is aggravated by the fact that sales to its fluid outlets this year have been declining because of decreases in the market's Class I sales. Also, the cooperative stated that in February some of the milk of its members had to be depooled since the current diversion

limitations did not accommodate the current market situation.

Because of these changed marketing conditions, the cooperative expects its reserve milk supplies during April through August 1982 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Without the suspension, the cooperative believes that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to continue producer status for such milk during April through August 1982.

Signed at Washington, D.C., on March 24, 1982.

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

[FR Doc. 82-0446 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Technical Specifications for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to change its regulations pertaining to technical specifications for nuclear power reactors. The proposed changes would reduce the volume of technical specifications that are made part of an operating license, thereby reducing the number of change requests which licensees would have to submit to the NRC. The proposed changes, if adopted, are expected to produce an improvement in the safety of nuclear power plants through more efficient use of NRC and licensee resources.

DATE: Comment period expires June 1, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. D. Skovholt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301/492-4446).

SUPPLEMENTARY INFORMATION: Each license for operation of a nuclear power reactor issued by NRC contains technical specifications which set forth the specific characteristics of the facility and the conditions for its operation that are required to provide adequate protection to the health and safety of the public. Technical specifications cannot be changed by licensees without prior NRC approval.

Background

Before 1968, § 50.36, "Technical Specifications," of the Commission's regulation 10 CFR Part 50, required technical specifications to include "those significant design features, operating procedures, and operating limitations which (were) considered important in providing reasonable assurance that the facility (would) be constructed and operated without undue hazard to public health and safety." Technical specifications that were formulated in accordance with this regulation, as it was then written, generally contained more detailed design information than was considered to be necessary to assure safe reactor operation. These technical specifications proved to be difficult to organize, unduly restricted flexibility of reactor operation, and necessitated the processing of many changes that were not significantly related to safety.

In December 1968 the Atomic Energy Commission (AEC), predecessor of the NRC, amended its regulations in §§ 50.36 and 50.59 (33 FR 18612). Section 50.36 was amended to include a more precise definition of those categories of technical specifications that must be included in an application for an operating license. The amended regulation narrowed the scope of the material contained in technical specifications by defining five specific categories of technical specifications. The five categories defined for nuclear reactors are: (1) Safety limits and limiting safety system settings, (2) limiting conditions for operation, (3) surveillance requirements, (4) design features, and (5) administrative controls. The design information that was required to be retained included only those items which, if altered, would have a significant effect on safety. Amendments to § 50.59, among other things, clarified requirements for keeping records of design changes and defined more adequately the term "unreviewed safety question." The latter

change established criteria for allowing licensees to make certain kinds of changes, tests, and experiments (i.e., those not involving an unreviewed safety question or a change to technical specifications) without prior NRC approval. These amendments to §§ 50.36 and 50.59 (1) eliminated detailed design information from technical specifications, which in turn reduced the need for a large number of change requests, and (2) resulted in a system of technical specifications and regulations that more effectively directed the attention of both licensees' management and the NRC to matters important to safety.

As knowledge in the field of reactor safety increased, the level of complexity and detail in technical specifications also increased, and a divergence in content of technical specifications from one facility to another began to emerge. In addition, an increasing diversity of opinion between applicants and the NRC staff, as to what should be included as technical specifications, resulted in protracted discussions during the licensing process, and misapplication and misinterpretation of requirements by plant operating staffs after a license was issued.

In recognition of these difficulties, the AEC, in 1972, instituted the Standard Technical Specifications (STS) program. Sets of STS were developed for reactor types designed by each reactor manufacturer (for the latest revisions of these documents ¹ see: NUREG-0452, Rev. 4, Fall 1981; NUREG-0123, Rev. 3, Fall 1980; NUREG-0212, Rev. 2, Fall 1980; and NUREG-0103, Rev. 4, Fall 1980 for Westinghouse, General Electric, Combustion Engineering, and Babcock and Wilcox, respectively). The STS provide applicants with model specifications to be used in formulating plant-specific technical specifications. They have served to make technical specifications for facilities licensed since 1974 more consistent with one another, and they have tended to reduce the number of disagreements between applicants and the NRC staff regarding items to be included as technical specifications.

Current Problem

Disagreements among parties to a recent NRC licensing proceeding (In the Matter of Portland General Electric Company, *et al.* (Trojan Nuclear Plant), ALAB-531, 9 NRC 263 (1979)), have highlighted the need to establish specific

criteria in the regulations for deciding which items derived from the safety analysis report must be included in the technical specifications incorporated in the license for a facility.

In addition, the substantial growth in both the number of items and in the detail of the requirements contained in technical specifications that has taken place since the STS were instituted indicates that more precise definitions of the existing categories of technical specifications contained in § 50.36 are needed. The Commission is concerned that the increased volume of technical specifications lessens the likelihood that licensees will focus attention on matters of more immediate importance to safe operation of the facility.

While each of the requirements in today's technical specifications plays a role in protecting public health and safety, some requirements have greater immediate importance than others in that they relate more directly to facility operation. These are the requirements that pertain to items which the facility operator must be aware of and must control to operate the facility in a safe manner. To a large extent, the relative importance of these requirements, as distinguished from those related to long-term effects or concerns, may have been diminished by the increase in the total volume of technical specification requirements.

Moreover, the increased volume and detail of technical specifications and the resultant increase in the number of proposed change requests that must be processed have increased the paperwork burden for both licensees and the NRC staff. This is because § 50.36 requires that technical specifications be included in each operating license; thus, any proposed change, regardless of its importance to safety, must be processed as a license amendment. For changes involving matters of lesser importance to safety, the processing of a license amendment with the associated increased paperwork has had no significant benefit with regard to protecting the public health and safety.

Proposed Solution

As a first step in attempting to resolve the difficulties associated with the current system of technical specifications for nuclear power reactors, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) on July 8, 1980 (45 FR 45916), requesting comments on the desirability of changing its regulations on technical specifications to: (1) Establish a standard for deciding which

¹ Copies may be obtained from the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

items derived from the safety analysis report must be incorporated into the technical specifications for a facility; (2) modify the definitions of categories of technical specifications to focus more directly on the aspects of reactor operation that are important to the protection of the health and safety of the public; (3) define a new category of requirements that would be of lesser immediate importance to safety than technical specifications, thereby providing greater flexibility to both the NRC and licensees in processing proposed changes; and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval.

Comments received in response to the ANPR were strongly in favor of a rule change to incorporate these concepts. Copies of the comments received from individuals, and a summary of all the comments received, are available for inspection and copying at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555.

The NRC staff has considered these comments and has developed proposed changes to the regulations. The major features of these changes and the principles upon which they are based are discussed below.

I. General Principles

In reviewing the safety analysis report for a facility, the staff reviews the methods of analyses, the underlying assumptions, and the results and conclusions of the analyses to determine if the plant has been designed so as not to present undue risk to the health and safety of the public. Some of the analyses are quantitative in nature, while others are more qualitative, but all of the analyses rely on underlying assumptions. While many of these assumptions are explicit, such as those pertaining to plant operating mode, system lineups, or specific parameters, others are more implicit such as those associated with the degradation of equipment over the life of the plant or the management control over plant operation and maintenance. The fundamental purpose of technical specifications is to define and preserve those underlying assumptions that are expected to, or could, vary with time or circumstances, throughout the life of the plant, and thus to preserve the validity of the safety analysis. The specifications address a variety of underlying

assumptions but are of six² general types:

1. Values of process variables that must be kept within certain bounds;
2. Operating state of equipment (e.g., value position) that must be maintained;
3. Operating status (or operability) of equipment that must be maintained;
4. Condition (or quality) of equipment and structures that must be maintained;
5. Physical characteristics of the plant and site that must remain fixed; and
6. Administrative controls (e.g., shift staffing, review and audit) that must be maintained.

The first three types or specifications can be thought of as defining the "bounds" of normal plant operation within which the conclusions of the safety analysis report are expected to remain valid. These first three types relate directly to the operating mode of the plant and must be under the immediate cognizance and control of the operator to maintain safe plant operation.

The fourth type concerns the condition or quality of equipment or structures, and is expected to change slowly if at all, over an extended period of time. Thus, generally, specifications of this type are not of immediate concern to the day-to-day operation of the plant, but are of long-term importance to safety.

The fifth type defines the physical characteristics of the plant and site that are not expected to change at all unless the licensee decides to alter the plant design in some way. Thus, they are not of concern to the day-to-day plant operation, but are of long-term importance to safety.

The sixth type, administrative controls, can be divided into two subtypes: one pertaining to shift staffing and responsibilities, the other pertaining to management overview and control of plant changes and operations. The former is more important to the immediate operation of the plant, while the latter is more important over the long term.

Plant functions also can be segregated in a similar way. Those that are considered of immediate importance to safety are those associated with:

1. Protecting the integrity of fission product barriers;
2. Controlling reactivity;
3. Cooling the fuel; and
4. Limiting the release of radioactive fission products following an accident.

These functions must be under the constant cognizance and control of the plant operator to assure safe plant

operation. Other functions, such as those associated with the mitigation of the effects of natural or man-made phenomena (fires, floods, earthquakes, etc.), serve to support these four functions, but are not subject to the level of operator control associated with the four function listed above.

In the Commission's view, any system of specification should (as the existing system does) properly account for all of the types of requirements discussed above, but should be organized in a manner that recognizes the different levels of importance associated with the various plant functions.

II. Overview of Proposed New System of Specifications

The proposed changes to 10 CFR Part 50 would establish a new system of specifications divided into two general categories. The categories, which are discussed in further detail in succeeding sections, are:

1. Technical Specifications, and
2. Supplemental Specifications.

Proposed specification in both categories would be included in an application for a license (in Chapter 18 of the FSAR), and would be reviewed and approved by the staff, but only those in the category of technical specifications would be made directly part of the operating license. As in the past, prior NRC approval is required for any change to technical specifications.

Specification in the supplemental category would be documented in the FSAR and linked to the licensing document through a new license condition in § 50.54. The licensee would be allowed to make changes to the supplemental specifications within certain bounds and under prescribed conditions, without obtaining prior NRC approval. As further discussed in section III.B below, these changes would be required to be reported along with a safety evaluation for each. The NRC would review these changes and supporting documentation in the same manner as design changes, tests, and experiments are currently reviewed under 10 CFR 50.59. Any change made by a licensee that was not adequately justified could be quickly revoked upon written notification by the appropriate NRC Regional Administrator. A change to § 50.54 would be made to require that supplemental specifications documented in the FSAR must be adhered to by the licensee. Under this system, the licensee has some latitude to change the supplemental specifications, which have a lesser degree of safety significance than technical specifications. Prior NRC approval will not be necessary, and the

²The first five types are essentially those cited in ANSI/ANS-58.4-1979, "Criteria for Technical Specifications for Nuclear Power Stations."

reduced workload for the licensee and the staff will permit greater concentration on more significant matters.

This new system of specifications would be put in effect for new operating licenses issued 180 days after the effective date of the amended rule. There would be no backfit requirement for existing operating facilities, though this could be done if a licensee were to request it.

III. Major Features of Proposed Rule

A. Changes to Definitions of Technical Specification Categories

1. The term technical specifications would become a category of specifications and would consist of operational specifications and principal design feature specifications.

a. *Operational Specifications.* Operational specifications would be defined (see proposed § 50.36(d)(1)) as those specification imposed upon facility operation that are necessary to assure that the facility is operated within limits and under conditions that are consistent with the assumptions in the safety analysis report regarding the value of process variables and the operating state and standby status of systems and components associated with the four safety functions identified in Section I above. This definition would establish a framework for deciding which items derived from the safety analysis report are to be included in the operational specifications. Operational specifications must be written for all normal modes of facility operation including shutdown and refueling. They would be part of the operating license and would consist of five subcategories, each of which is discussed separately below.

(i) *Safety limits.*—Safety limits would be defined (see proposed § 50.36(d)(1)(i)); the same way they are currently defined in the present system of technical specifications (in § 50.36(c)(1)); i.e., they would be limits on important process variables needed to protect the integrity of fission product barriers. If a safety limit is exceeded, the licensee must: shut down the plant; notify NRC; review the matter to determine appropriate actions to preclude recurrence; and restart the plant only after authorization is received from NRC.

(ii) *Limiting safety system settings (LSSS).* LSSS would also be defined (see proposed § 50.36(d)(1)(ii)) the same way they are currently defined in § 50.36(c)(1), that is, as settings for automatic protective devices associated with variables having significant safety

functions. These settings are to be chosen so that the automatic protective devices action will correct an abnormal situation before a safety limit is exceeded, thus preserving an essential safety function.

If an automatic protective device does not function properly, the licensee must: take appropriate action, which may include plant shutdown; notify NRC; and review the matter to determine appropriate actions to preclude recurrence.

(iii) *Operational limits and conditions (OLC).* OLCs would be a newly defined subcategory, similar to the existing "limiting conditions for operation" (LCOs) defined in § 50.36(c)(2), with some important differences. OLCs would be defined (see proposed § 50.36(d)(1)(iii)) as limits on important process variables and on conditions relating to the operating state and standby status of systems and components. These limits and conditions are associated with the performance of the functions of controlling reactivity, cooling the fuel, and limiting the release of radioactive fission products following an accident. The OLC subcategory is narrower in scope than the existing LCO definition, since LCOs include items addressing virtually any equipment in the plant "required for safe operation of the facility."

When an OLC is not met, the licensee must: Shut down the plant or take specified remedial action to place the facility in a safe condition until the OLC can be met; notify NRC; and review the matter to determine appropriate actions to preclude recurrence. The present LCO definition includes plant shutdown as a required action, but it also allows (for matters of lesser importance) "any remedial action permitted by the technical specifications until the condition can be met." For LCOs in the current system that have a lower level of importance to safety (i.e., are not essential to the functions listed above), "remedial action" has often been only a reporting requirement. With the proposed system, only technical specifications with immediate importance to safety would be included as OLCs; thus, specific action to change the facility operating mode will be required when an OLC is not met.

(iv) *Check and test requirements (CTR).* Check and test requirements would be a newly defined subcategory similar to the existing surveillance requirements defined in § 50.36(c)(3), but would not include requirements relating to " * * * calibration or inspection to assure the necessary quality of systems and components is maintained * * * " These calibration or inspection

requirements would be included in the definition of facility monitoring provisions which are discussed below under supplemental specifications. Check and test requirements would be defined (see proposed § 50.36(d)(1)(iv)) as those periodic checks and tests needed to assure that operation will be within the safety limits and that the LSS and OLCs are met. These are the checks and tests that are generally performed by plant operators during, or just prior to, operation to determine if process variable are within acceptable bounds, and if systems and equipment are in the correct operating state or standby status. As with the current LCOs and surveillance requirements, the technical specifications would be structured to attain a one-to-one correspondence between these checks and tests and each OLC, to assure that operators keep abreast of plant status with respect to each OLC.

(v) *Operational staffing and reporting requirements (OSR).* OSR would be a newly defined subcategory which would contain a subset of the requirements currently contained in Administrative Controls as defined in § 50.36(c)(5). OSR would be defined (see proposed § 50.36(d)(1)(v)) as those items relating to shift crew composition and responsibility, as well as reporting, that are necessary to assure operation in a safe manner. These items are considered to be of immediate short-term importance to safety and thus are included in operational technical specifications and would be part of the operating license.

b. *Principal Design Feature Specifications.* Principal design feature specifications would consist of those items that are currently categorized as "design features" in the present system of technical specifications, as defined in the existing § 50.36(c)(4). They would be defined (see proposed § 50.36(d)(2)) in essentially the same way; that is, those physical characteristics of the facility which, if altered, would have a significant effect on safety and are not included in other categories of technical specifications. Principal design feature specifications identify the physical characteristics of the plant and site that may not be changed without prior NRC approval. These specifications are not considered of immediate importance to safety and therefore are not included in the Appendix A operational technical specifications; however, because of their great importance to assurance of the validity of the accident analysis, they will be made part of the facility operating license.

2. Supplemental Specifications.

Supplemental specifications would consist of those items needed to preserve safety analysis assumptions regarding important safety functions not included in operational technical specifications, assure that the necessary quality of systems, components, and structures is maintained, and assure effective management overview and control of facility changes and operations.

Supplemental specifications would not be made directly part of the operating license, but would be indirectly linked to the licensing document and be enforceable by regulations prescribed in § 50.54 (see proposed § 50.54(x)). Enforceability is separately discussed in subsection C below. The licensee would be allowed to make changes to supplemental specifications, within certain bounds and under prescribed conditions, without prior NRC approval. These bounds and conditions are discussed in subsection B below. Supplemental specifications would consist of three subcategories, each of which is discussed separately below:

a. *Control provisions.* Control provisions would be defined (see proposed § 50.36(e)(1)) as provisions relating to the control of variables and the operating state and standby status of systems and components associated with important safety functions not included in operational technical specifications. Examples of these functions are the mitigation of the effects of natural or man-made phenomena (fires, floods, earthquakes, etc.). This subcategory would include those specifications that are designated as LCOs in the current system but that are not essential to the four safety functions discussed earlier. The control provisions would include requirements for periodic checks and tests to assure the provisions are being met.

When a control provision is not met, the licensee must take appropriate action, which generally would be administrative in nature, such as reporting to NRC, instituting fire patrols, etc., and review the matter to preclude recurrence. Plant shutdown would not be required because items in this subcategory are not considered to be of immediate importance to safety. However, documentation of licensee review of these matters would be required to be made available on a regular basis for NRC audit.

b. *Monitoring provisions.* Monitoring provisions would be defined (see proposed § 50.36(e)(2)) as provisions relating to monitoring, inspection, testing, and calibration needed to

provide long-term assurance that the necessary quality of systems, components, and structures important to safety is maintained. The monitoring provisions would assure that the FSAR assumptions regarding the condition of equipment and structures would remain valid over the life of the plant. The monitoring provisions would contain those surveillance requirements that are performed at relatively long intervals and are directed toward determining the state of quality or condition of equipment. A large portion of these inspections, etc., are generally performed by technicians rather than by plant operators while the plant is in a shutdown or refueling mode.

When the performance of inspections or tests required by a monitoring provision reveals a defect, the licensee would be required to declare the system, component, or structure to be inoperable and take the action appropriate for that system, component, or structure as stipulated in the specification. This is no different from what would be required by the current system of technical specifications if the performance of a surveillance requirement revealed a defect.

c. *Administrative provisions.* Administrative provisions would be defined (see proposed § 50.36(e)(3)) as provisions relating to organization, recordkeeping, review and audit, and reporting necessary to assure effective management overview and control of facility changes and operations. The administrative provisions would contain those items in the current system designated as administrative controls, as defined in § 50.36(c)(5), that are not included in the operational technical specifications as operational staffing and reporting requirements. These items are important in the long term to effective management overview and control, but are not considered to be of immediate importance to the safe operation of the plant.

Administrative specifications are essential to the entire control scheme of changes to technical specifications, because they govern how other specifications can be changed. For instance, administrative specifications, rather than 10 CFR 50.59, specify that proposed changes to specifications have to be assessed carefully. Therefore, administrative specifications become especially important if, as intended, the proposed rule shifts more control from NRC to licensees, allowing them to make changes before NRC review. The NRC intends to carefully monitor changes to administrative specifications to ensure that essential administrative controls are rigorously maintained.

B. Changes to Supplemental Specifications

The licensee would be permitted to make changes to supplemental specifications (see proposed § 50.36(f)(1)) without prior NRC approval, provided the changes do not involve a conflict with the technical specifications incorporated in the license or do not result in a decrease in their effectiveness as explicitly defined for each type of provision (see proposed § 50.36(f)(2), (3), and (4)). The rule contains tests to be applied for each type of supplemental specification. These tests are considered by the Commission to be appropriate to judge whether there is a decrease in the effectiveness of a revised specification. The licensee may change a supplemental specification only after it determines that these tests are met.

The licensee would be required to review proposed changes to supplemental specifications in the same manner as is currently required for proposed design changes by 10 CFR 50.59. And, as with § 50.59 design changes, the revised § 50.36 would require (see proposed § 50.36(f)(5)) the licensee to maintain records of changes made to the supplemental specifications which would be available for NRC audit, including a written safety evaluation which provides the basis for determining that the change does not involve a decrease in effectiveness of the provision, and to report all these changes to NRC. This would be done on a prompt basis. NRC review of these changes would be conducted in a manner similar to that of reviews of 10 CFR 50.59 changes; i.e., NRC will, by audit, ascertain that the licensee has exercised responsible and prudent judgment and that safety evaluations made by the licensee are consistent with practices used by NRC in approving issuance of a license.

In addition to the staff review of reports to assess licensee performance, the monitoring of plant operations by the NRC resident inspector will include consideration of changes to supplemental specifications. Since the licensee is required to document its basis for the change to the supplemental specification prior to effecting it, the documentation is available for the resident inspector's review whenever desired.

Changes to supplemental specifications that involve a conflict with the technical specifications incorporated in the license or a decrease in their effectiveness would require NRC

approval prior to their implementation (see proposed § 50.36(f)(6)).

C. Enforceability of Specifications

Under the existing system of technical specifications prescribed by § 50.36, the enforceability of specifications is assured by making them a part of the license. Under the proposed system prescribed by the proposed changes to 10 CFR Part 50, only technical specifications, as more narrowly defined, would be incorporated directly into the licensing document. Supplemental specifications would not be part of the four corners of the license as such. However, in order to link the license to the supplemental specifications, § 50.54, "Conditions of Licenses," would be modified (see proposed § 50.54(x)) to require licensees to abide by all specifications, including the supplemental specifications documented in the FSAR, as amended by changes made, and recorded and reported in accordance with the proposed § 50.36(f)(5). In addition, a provision would be added to give authority to the appropriate NRC Regional Administrator to immediately revoke any change made by a licensee to supplemental specifications that is judged not to have adequate justification. This delegation of licensing authority to the Regional Administrator will be exercised in accordance with policies and guidance developed by the Office of Nuclear Reactor Regulation. The licensee could provide additional information if it desires to further justify a change but would be required to obtain NRC approval before reinstituting the change. Additionally, changes to supplemental specifications will be subject to possible enforcement action in accordance with NRC Enforcement Policy. Changes which are inadequately reviewed, supported or justified or incorrectly implemented may result in a violation. These violations will be evaluated in the same way violations of 10 CFR 50.59 are evaluated in accordance with NRC Enforcement Policy.

D. Applicability of Proposed Rule

The proposed rule, if adopted, would apply to nuclear plants receiving an operating license on or after a date 180 days after the effective date of the final rule (see the proposed § 50.36 (b), (d), and (g)). Technical specifications issued before that date would not be required to be changed; however, upon request by a licensee to convert the existing technical specifications to the new scope, content and format, the NRC would take action to grant the request.

IV. Paperwork Reduction Act Statement

As required by Pub. L. 96-511, this proposed rule will be submitted to the Office of Management and Budget for clearance of the reporting and recordkeeping requirements.

V. Regulatory Flexibility Act Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 604(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 21. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for this part reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.36, the title is revised, paragraphs (a) and (b) are revised, the introductory text of paragraph (c) is revised, paragraph (d) is revised and redesignated paragraph (g), and new paragraphs (d), (e), and (f) are added to read as follows:

§ 50.36 Specifications.

(a) Each applicant for a license authorizing operation of a production or utilization facility shall include in its application proposed technical specifications in accordance with the requirements of this section. The technical specifications must be derived from the analyses and evaluation included in the safety analysis report, and amendments thereto, submitted under § 50.34. These specifications are described in paragraphs (c), (d), and (e) of this section. A summary statement of the bases or reasons for the specifications, other than those covering administrative controls or provisions, or operational staffing and reporting requirements, must also be included in the application, but will not become part of the technical specifications.

(b) Each license authorizing operation of a production or utilization facility of a type described in §§ 50.21 or 50.22 of this part will include technical specifications. For a nuclear reactor operating license issued before (180 days after the effective date of this amendment) and for a fuel reprocessing plant, the license will include technical specifications in the categories set forth in paragraph (c) of this section. For a nuclear reactor operating license issued on or after (180 days after the effective date of this amendment) the license will include technical specifications in the categories set forth in paragraphs (d) (1) and (2) of this section. The Commission may include additional technical specifications as it finds appropriate.

(c) Technical specifications for a nuclear reactor operating license issued before (180 days after the effective date of this amendment) and for a fuel reprocessing plant will include items in the following categories:

(d) Technical specifications for a nuclear reactor operating license issued on or after (180 days after the effective date of this amendment) will include items in the following categories:

(1) *Operational specifications.* Operational specifications are specifications imposed upon facility operation that are necessary to assure that the facility is operated within limits and under conditions that are consistent with the assumptions in the safety analysis report regarding the values of process variables and the operating state and standby status of systems and components that are associated with the performance of the functions of controlling reactivity, cooling the fuel, protecting the integrity of fission product barriers, and limiting the release of

radioactive fission products following an accident. Operational specifications are to be imposed on all normal modes of facility operation including shutdown and refueling and are to consist of items of the following types:

(i) *Safety limits.* Safety limits are limits upon important process variables which are found to be necessary to reasonably protect the integrity of certain of the physical barriers which guard against the uncontrolled release of radioactivity. If any safety limit is exceeded, the reactor must be shut down. The licensee shall notify the Commission, review the matter, and record the results of the review, including the cause of the condition and the basis for corrective action taken to preclude recurrence. Operation may not be resumed until authorized by the Commission.

(ii) *Limiting safety system settings.* Limiting safety system settings are settings for automatic protective devices related to those variables having significant safety functions. Where a limiting safety system setting is specified for a variable on which a safety limit has been placed, the setting must be chosen so that automatic protective action will correct the abnormal situation before a safety limit is exceeded. If, during operation, the automatic safety system does not function as required, the licensee shall take action as stipulated in the specification, which may include shutting down the reactor; notify the Commission; review the matter; and record the results of the review, including the cause of the condition and basis for corrective action taken to preclude recurrence.

(iii) *Operational limits and conditions.* Operational limits and conditions are limits on important process variables and conditions relating to the operating state and standby status of systems and components that are associated with the performance of the functions of controlling reactivity, cooling the fuel, protecting the integrity of fission product barriers, and limiting the release of radioactive fission products following an accident. When an operational limit or condition of a nuclear reactor is not met, the licensee shall shut down the reactor or follow specified remedial action, as stipulated by the specifications, to place the facility in a safe condition until the operational limit or condition can be met. The licensee shall notify the Commission, review the matter, and record the results of the review including the cause of the condition and the basis for corrective action taken to preclude recurrence.

(iv) *Check and test requirements.*

Check and test requirements are requirements relating to periodic checks and tests to assure that facility operation will be within the safety limits and that the limiting safety systems settings and operational limits and conditions are met.

(v) *Operational staffing and reporting requirements.* Operational staffing and reporting requirements are requirements relating to shift crew composition and responsibility and reporting that are necessary to assure operation in a safe manner.

(2) *Principal design feature specifications.* Principal design feature specifications are specifications relating to those features of the facility, such as materials of construction and geometric arrangements, which, if altered or modified, would have a significant effect on safety and are not covered by technical specifications required by paragraph (d)(1) of this section.

(e) *Supplemental specifications.* For nuclear reactors licensed to operate in accordance with technical specifications of the type described in paragraph (d) of this section, the final safety analysis report must also include supplemental specifications. Supplemental specifications are specifications relating to monitoring, control, and administration necessary to assure that the quality of equipment, the proper operating state and standby status of important support systems, and effective management overview and control of facility changes and operations are maintained. Supplemental specifications are to consist of items of the following types:

(1) *Control Provisions.* Control provisions are provisions relating to the control of variables and the operating state and standby status of systems and components associated with important safety functions not described in paragraph (d)(1) of this section, such as the mitigation of the effects of natural or man-made phenomena. Each control provision must include periodic checks or tests to assure that the provision is being met. When a control provision is not met, the licensee shall take appropriate action as permitted by the specification. The licensee shall review the matter and record the results of the review, including the cause of the condition and basis for corrective action taken to preclude recurrence.

(2) *Monitoring Provisions.* Monitoring provisions are provisions relating to monitoring, inspection, testing, and calibration needed to provide long-term assurance that the necessary quality of systems, components, and structures

important to safety is maintained. When the results of a monitoring provision activity indicate that the necessary quality is lacking, the licensee shall declare the system, component, or structure to be inoperable and take appropriate action as permitted by the specifications.

(3) *Administrative Provisions.*

Administrative provisions are provisions relating to organization, qualifications of personnel, procedures, recordkeeping, review and audit, and reporting necessary to assure effective management overview and control of facility changes and operations.

(f) *Changes to supplemental specifications.* (1) A licensee may make changes to supplemental specifications without prior Commission approval, unless the change involves: (i) A conflict with the technical specifications incorporated in the license; or (ii) a decrease in the effectiveness of the provisions of the supplemental specification.

(2) A change to a control provision is deemed to involve a decrease in the effectiveness of the provision: (i) If the controls on variables or on performance levels that define the required operating state or standby status of system and components are relaxed; or (ii) if the frequency of the periodic check or test is decreased more than is justified by the history of test results; or (iii) if the required action, in the event the provision is not met, is relaxed.

(3) A change to a monitoring provision is deemed to involve a decrease in the effectiveness of the provision: (i) If the frequency of the monitoring, inspection, testing, or calibration is decreased without a compensating change in the acceptance criterion or an increase in the sensitivity or accuracy of the method used, unless the cumulative history of test results clearly supports a reduction in frequency; or (ii) if the sensitivity or accuracy of the method used to perform the monitoring, inspection, testing, or calibration is decreased without a compensating change in the acceptance criterion or increase in the frequency of the monitoring, inspection, testing, or calibration; or (iii) if the acceptance criterion for the monitoring, inspection, testing, or calibration is relaxed without a compensating increase in the frequency, sensitivity, or accuracy of the method used.

(4) A change to an administrative provision is deemed to involve a decrease in the effectiveness of the provision: (i) If the level of management overview or control is decreased; or (ii) if the assurance of the quality of operations or of personnel is decreased;

(iii) if the usefulness of the recordkeeping in assessing matters important to safety is decreased; or (iv) if the method or timeliness of management review of changes to specifications is changed.

(5) The licensee shall maintain records of changes in the supplemental specifications made under this section. These records must include a written safety evaluation which provides the basis for the determination that the change does not involve a decrease in the effectiveness of the provisions. The records must also include an indication of review and approval by the licensee's onsite safety review organization. These records must be available for inspection at the facility before implementation of the change. Within three days of approval of a change to a supplemental specification, the licensee shall furnish to the appropriate NRC Regional Administrator shown in Appendix D of Part 20 of this chapter (with a copy to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555) a report containing a brief description of each change, including a copy of the safety evaluation. Any report submitted by a licensee under this paragraph will be made part of the public record. The records of changes made to the supplemental specifications must be maintained for a period of at least 5 years.

(6) A licensee who wants a change to the supplemental specifications that involves (i) a conflict with the technical specifications incorporated in the license; or (ii) a decrease in the effectiveness of the provisions of the specification, shall submit a proposed change, along with the basis and justification for the proposed change, for approval by the Commission prior to implementing the proposed change.

(7) A proposed change to the supplemental specifications that involves (i) a conflict with the technical specifications incorporated in the license, or (ii) a decrease in the effectiveness of the provisions of the specification, or (iii) an unreviewed safety question, shall be treated as a proposed change in the facility or procedures, as described in the safety analysis report, requiring an amendment to the license. A licensee who desires such a change shall submit an application for amendment to its license pursuant to § 50.90.

(g)(1) This section does not modify the technical specifications included in any license issued before (180 days after the effective date of this amendment). A license which does not contain technical specifications is deemed to include the

entire safety analysis report as technical specifications.

(2) At the initiative of the Commission or the licensee, any license may be amended to include technical specifications of the scope and content which would be required if a new license were being issued.

3. In § 50.54, a new paragraph (x) is added to read as follows:

§ 50.54 Conditions of licenses.

(x) The licensee shall maintain and operate the facility in accordance with the specifications provided in § 50.36 of this part. Changes to the specifications may be made only with prior Commission approval or as prescribed in § 50.36(f) of this part. A change made by the licensee under § 50.36(f) of this part must be revoked immediately upon written notification by the appropriate NRC Regional Administrator that the justification provided for the change is inadequate. When this notification is received by the licensee, the change must not be implemented, or must be revoked if already implemented, and may not be reinstated without prior Commission approval.

Dated at Washington, D.C., this 24th day of March, 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chalk,

Secretary of the Commission.

[FR Doc. 82-8515 Filed 3-29-82; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0389]

Credit by Brokers and Dealers; Complete Revision and Simplification of Regulation T

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing to completely revise Regulation T, credit by brokers and dealers. The proposed revision is written in simplified language and incorporates structural changes proposed by the Board in June and July 1981 upon which comments were received and considered.

Two proposed changes not previously announced by the Board are also included in this revision. One will permit the purchase of a security in a cash account and the simultaneous writing of an option on the purchased security. This will primarily benefit institutions that are precluded by law

from having margin accounts. The other proposed change will expand the existing section on credit for clearance of securities to permit an option clearing corporation, under specified conditions, to accept deposits of hypothecable securities as an additional method of meeting the clearing corporation's daily margin call to clearing members.

DATE: Comments should be received on or before June 25, 1982.

ADDRESS: Comments, which should refer to Docket No. R-0389, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551 or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rule Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION: At the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, contact: Laura Homer, Securities Credit Officer or John Kelly, Attorney, Division of Banking Supervision and Regulation (202) 452-2781, or Robert Rewald, Economist, Division of Research and Statistics (202) 452-3637. At the Federal Reserve Bank of New York, contact: Mindy Silverman, Assistant Counsel, (212) 791-5032 or James McNeil, Chief, Regulations Division, (212) 791-5914.

SUPPLEMENTARY INFORMATION: *Initial proposals.* On June 24, 1981 (46 FR 32592) the Board announced its intention to reduce the regulatory burden of its margin rules and rewrite them in simpler language. At the same time the Board proposed for public comment specific substantive changes in Regulation T which would:

1. Eliminate equity building devices.
2. Relax the existing restrictions on the arranging of credit by investment bankers.

3. Consolidate the two bond accounts into the general margin account; and
4. Require transfers from the Special Miscellaneous Account to any highly-leveraged general account.

On July 21, 1981 (46 FR 37516) the Board proposed a second set of substantive changes in Regulation T. These changes would:

1. Reduce the number of accounts and restructure them along functional lines.

2. Change the terminology in the regulation which determines the initial margin required from "maximum loan value/adjusted debit balance" to "margin/equity."

3. Increase the types of firms permitted to offer certain credit services.
4. Permit dealers in OTC margin securities to obtain special credit from other broker/dealers; and
5. Make special provisions for jointly-owned clearing firms.

Subsequent Board Action

At an open meeting on January 13, 1982, the Board adopted, to be effective on February 15, 1982, amendments (1) relaxing the restrictions on the investment banking services of brokers and dealers and in arranging credit and (2) removing the equity building features in the regulation (47 FR 2981, January 21, 1982). At that meeting, staff was instructed to proceed to rewrite the regulation incorporating these adopted amendments and all the remaining proposed structural changes except the one proposal which would have required a transfer from the Special Miscellaneous Account to any highly leveraged general account.

Intervening Proposals

In November, 1981 the Board published for comment two other amendments to Regulation T. The language of these proposals has also been incorporated in this rewritten regulation. One proposal would allow the use of letters of credit as collateral by brokers or dealers borrowing or lending securities (see 46 FR 55533 November 10, 1981). The other proposal would change the criteria for the Board's List of OTC Margin Stock (see 46 FR 57532 November 24, 1981). Comments have been received on these proposals and the Board may act upon them, after considering the comments, before the expiration of the comment period for this proposed complete revision of Regulation T.

Detailed Explanation of Changes

Unless otherwise stated, no substantive changes are intended to be made and the intent of each section of Regulation T remains the same despite the use of simpler language and the removal of certain language that was thought to be unnecessary or redundant.

1. General Applicability.

a. The titles of the accounts have been changed to titles that are more descriptive of the contents of each account or simply to remove the term "special."

b. The change in terminology from "adjusted debit balance/maximum loan value" to "margin/equity" is reflected in three sections of the regulation: Definitions (§ 220.2 (a), (d), (f), (g), (h), and (m)), Margin Account, and the Supplement.

2. Definitions, § 220.2.

a. The definition of "creditor" has been changed to conform the language to section 7 of the Securities Exchange Act of 1934 ("the Act") and to identify specific categories of persons coming within the definition.

b. Language that is presently contained in paragraph (3) of the definition of "registered security" has been eliminated from the definition. That language is not necessary in light of the Board's authority, since 1968, to designate any security as marginable, i.e., as having loan value in a margin account.

c. The definition of "exempted security" has been removed from the regulation. The definition in section 3(a) of the Act is sufficient because the only additional language presently in the regulatory definition is no longer necessary for the reason described in paragraph b above.

d. In the definition of "OTC Margin Stock", the word "stock" has been replaced with the words "equity security" to clarify that the term includes convertible bonds and other instruments that are often not considered "stock." The criteria for inclusion on the list of OTC stocks has been moved from the Supplement to the body of the regulation, because it is not the type of requirement that the Board may need to change quickly, as are the margin requirements.

3. General Provisions, § 220.3.

(a) Time of Receipt of Funds or Securities, § 220.3(e)

(i) The language that a creditor may "at his option" treat the various types of noncash payment as receipt of payment was removed; use of the word "may" implies that the creditor has the option to take advantage of the provisions if the creditor so chooses.

(ii) Certain language was removed from the comparable language of § 220.6(f)(1) describing a check, draft or order as drawn on a bank or a savings bank, which "in the ordinary course of business" is payable on presentation, as unnecessary. As long as the instrument is, by its terms or usage, payable on presentation and is accepted by the creditor in good faith, it may be considered receipt of payment, whether it is drawn on a "bank" or on one of the other types of depository institutions that may issue such payment instruments.

(iii) In subsection (3), the reference to "telegraphic" notice was removed; since the creditor has the right to obtain hard copy of a telegraphic notice, it may be considered to be included in the term "written notice."

(b) Exchange of Securities, § 220.3(f).

The title of the subsection on Reorganizations and certain language of that section was changed. Staff has received inquiries from time to time on the meaning of "reorganization" and "recapitalization," and there has not been a clear understanding of the scope of the section. The new language is intended to clarify that the section covers any exchange offer that is made to all holders of an issue of securities. The new language also clarifies the requirement that the consideration received in the exchange must be deposited in the account.

(c) Variable Annuity Contracts Issued by Insurance Companies, § 220.3(i).

Most of the language from the present § 220.7(f) was eliminated as unnecessary.

(d) Valuing Securities, § 220.3(g)(1).

Language has been added specifying that the computation of the total cost of a purchase or the net proceeds of a sale should include any commission charged. This is a formal statement of the accepted practice of including the cost of a commission when determining the cost of a transaction. Because the treatment of commissions has been addressed in this section, the reference to commissions in the section on service charges (present § 220.6(g)) has been deleted. (See new § 220.4(f)).

4. Margin Account, § 220.4(c)(2).

This paragraph contains a nonsubstantive change from current language on extensions of time. The change codifies current procedure by eliminating reference to a committee.

5. Transfer of Accounts, § 220.5(e).

(a) The description of the statement of be obtained by the transferee in present § 220.6(d) was rephrased to state simply that any margin call issued under Regulation T has been satisfied.

(b) In subsection (2), the term "bona fide" was removed as unnecessary. Since the transaction must be one that is not undertaken to avoid Regulation T and the creditor is required to accept in good faith the statement describing the circumstances giving rise to the transfer, the creditor may not accept a statement that indicates that the transfer was not a legitimate incident to the transaction.

6. Cash Account, § 220.7.

(a) The statement that bona fide cash transactions may be effected in the cash account has been removed as unnecessary. The description of permissible transactions includes only those that are bona fide cash transactions. Use of the term "bona fide" is redundant since permissible transactions must be done in good faith. The reference in the present § 220.4(c)(6)

to "bona fide cash transactions" was removed for the same reason.

(b) A substantive change has been added in paragraph (a)(3)(i) concerning the issuance of a call option before payment is made for the purchase of a security. This will permit customers who cannot or do not maintain a margin account to take advantage of the investment strategy of taking a position in an option at the same time that they take a position in the underlying security.

(c) Language has been added in § 220.7(b)(2) to clarify that the extension of time in a delivery against payment transaction is permitted if delivery of the security is delayed due to market conditions. See ¶ 5-501 in Securities Credit Transactions Handbook. The phrase "delivery against payment" is defined in the Definitions Section rather than in the Cash Account Section.

7. The Special Memorandum Account, § 220.6.

As described in the proposal (46 FR 37517 (1981)), the account is a renamed version of section 6 of the Special Miscellaneous Account. The types of deposit permitted in the Special Miscellaneous Account are now listed in the regulation.

8. Broker Dealer Credit Account, § 220.10.

(a) As noted in the proposal (46 FR 37517 (1981)), this account contains the provisions that are presently in sections 1, 2 and 3 of the Special Miscellaneous Account and adds a provision to cover jointly owned clearing firms.

(b) There is new language that approval for emergency credit, credit for capital contributions and subordinated credit for capital purposes should be obtained from the appropriate Examining Authority, rather than from a committee of a national securities exchange. This reflects the fact that all creditors may not be members of a national securities exchange; it does not change the requirement for members of exchanges for whom the appropriate Examining Authority would be the exchange.

9. The Non-Securities Credit Account, § 220.8.

(a) As described in the proposal (46 FR 37517 (1981)), this account contains provisions that are presently in the Special Commodity Account and sections 7 and 8 of the Special Miscellaneous Account.

(b) In the language comparable to present § 220.7(c) the phrase "on a margin security (other than an exempted security)" has been removed. The revised language will clarify that the required nonpurpose statement applies

to unsecured credit as well as secured credit.

10. The Market Functions Account, § 220.11.

As described in the proposal (46 FR 37517 (1981)), this account combines the Specialist Account, Special Arbitrage Account and two sections of the Special Miscellaneous Account for credit to odd-lot dealers and to finance the underwriting or distribution of securities. There is a substantive addition, which provides for credit to OTC marketmakers and third-marketmakers similar to the provisions for bank loans to such marketmakers in present § 221.3(w) and (y) of Regulation U.

11. Borrowing By Creditors, § 220.14.

(a) The statutory prohibition in section 8 of the Act was rephrased to make it clear that borrowing "on" a security means using that security as collateral for a loan. Staff has received questions from time to time concerning the precise meaning of the term "on" in the prohibition in present § 220.5(a).

(b) The last sentence of present § 220.5(b) was removed as unnecessary. Blank forms and information regarding filing or termination of forms are always available from any Federal Reserve Bank.

(c) The provision for loans from other creditors has been shortened considerably. The substance of present § 220.5(a)(3) and (c) are contained in paragraph (a)(3) of the revised version. The revised version does not specifically refer to loans from other creditors to meet emergency needs or to the fact that credit from another creditor would be subject to any other applicable provisions of law. The former provision is included in the list of permissible loans by creditors under provision (a)(1) of the Broker Dealer Credit Account; the latter provision applies to all activities of a creditor, i.e., a creditor is always subject to any other applicable provisions of law in addition to those provisions contained in Regulation T.

12. Credit for Clearance of Securities, § 220.13.

a. The terminology was changed from a "fraction of a day" to not more than one day because it is simpler and does not actually expand the permissible time period from that defined in present § 220.6(i). Since § 220.6(i) places no limit on the fraction of a day during which the credit may be extended, it could apply to credit outstanding for an entire day (minus one minute, for example). Recognizing that that is the case, staff decided it was less confusing and less wordy to simply permit the credit for no more than one day. Also, the term "association" (referring to a national

securities association) was added in recognition of the fact that creditors may be members of a national securities exchange or association.

b. A provision was added to permit a clearing broker to acquire an option position from an option clearing agency, such as the Options Clearing Corporation, by depositing securities other than the particular securities underlying the option. Under the present provisions, only cash, government securities, letters of credit or the particular securities may be used for the required deposit.

13. Reports.

The subsection entitled "Reports" (§ 220.7(d)) in the present Regulation was removed as unnecessary; section 17 of the Securities Exchange Act of 1934 requires persons subject to the margin regulations to file reports required by the Board.

Regulatory Flexibility Analysis

The Federal Register documents published in June and July of 1981 (46 FR 32592 and 46 FR 37516) by the Board contained Initial Regulatory Flexibility Analysis for the complete revision of Regulation T. Comments received on the proposals appear to agree with the Board's analysis. The two new items in this proposal concerning options clearing firms and option writing in the cash account should not have any substantial impact on small businesses.

Accordingly, pursuant to sections 3, 7, 8 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, g, h and w) the Board proposes to completely revise Regulation T, 12 CFR Part 220, to read as follows:

PART 220—CREDIT BY BROKERS AND DEALERS

Sec.

- 220.1 Authority, purpose and scope.
- 220.2 Definitions.
- 220.3 General provisions.
- 220.4 Margin account.
- 220.5 Margin account exceptions and special provisions.
- 220.6 Special memorandum account.
- 220.7 Cash account.
- 220.8 Nonsecurities credit account.
- 220.9 Omnibus account.
- 220.10 Broker-dealer credit account.
- 220.11 Market function account.
- 220.12 Arranging for loans by others.
- 220.13 Clearance of securities.
- 220.14 Borrowing by creditors.
- 220.15 Borrowing and lending securities.
- 220.16 Requirements for OTC margin stock list.
- 220.17 Supplement to regulation T margin requirements.

Authority: Secs. 3, 7, 8 and 23 of the Securities and Exchange Act of 1934, as amended (15 U.S.C. 78c, g, h and w)

§ 220.1 Authority, purpose and scope.

(a) *Authority and purpose.* Regulation T ("this part"), is issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq.). Its principal purpose is to regulate extensions of credit, by and to brokers and dealers; it also covers related transactions within the Board's authority under the Act. It imposes, among other obligations, initial margin requirements and payment rules on securities transactions.

(b) *Scope.* (1) This part provides a margin account and six special purpose accounts in which to record all financial relations between a customer and a creditor. Any transaction not specifically permitted in a special account shall be recorded in a customer's margin account.

(2) This part does not preclude any exchange, national securities association, or creditor from imposing additional requirements or taking action for its own protection.

§ 220.2 Definitions.

The terms used in this part have the meanings given them in section 3(a) of the Act or as defined in this section.

(a) *Credit balance.* The cash amount due the customer in a margin account after recognizing amounts transferred to the special memorandum account.

(b) *Creditor.* Any broker or dealer (as defined in sections 3(a)(4) and 3(a)(5) of the Act), any member of a national securities exchange, or any person associated with a broker or dealer as defined in section 3(a)(18) of the Act, with the exception of corporations controlling or under common control with the creditor.

(c) *Customer.* (1) Includes any person, or any group of persons acting jointly: (i) to or for whom a creditor is extending, arranging, or maintaining any credit; or (ii) who would be considered a customer of the creditor according to the ordinary usage of the trade;

(2) Includes, but is not limited to: (i) in case the creditor is a firm, any partner in the firm who would be considered a customer of the firm absent the partnership relationship; and (ii) any joint venture in which a creditor participates and which would be considered a customer of the creditor if the creditor were not a participant.

(d) *Debit balance.* The cash amount owed to the creditor in a margin account after recognizing amounts transferred to the special memorandum account.

(e) *Delivery against payment.* Any arrangement under which a creditor and a customer agree that the creditor will

deliver to the customer, or the customer's agent, a security against full payment of the purchase price. This arrangement is also known as "payment against delivery" or a "C.O.D." transaction.

(f) *Equity.* The total current market value of security positions held in the margin account plus the credit balance, if any, less the debit balance in the margin account.

(g) *Equity deficiency.* The amount by which the margin required exceeds the equity in the margin account.

(h) *Equity excess.* The amount by which the equity in the margin account exceeds the margin required.

(i) *Escrow receipt.* Any agreement issued in connection with a call or put option under which a bank, holding the underlying security or required cash, is obligated to deliver to the creditor (in the case of a call option) or accept from the creditor (in the case of a put option) the underlying securities against payment of the exercise price upon exercise of the call or put.

(j) *Examining authority.* (1) The national security exchange or other self-regulatory organization of which a creditor is a member;

(2) if not a member of any such self-regulatory organization, the Regional Office of the Securities and Exchange Commission (SEC) where the creditor has its principal place of business; or

(3) if a member of more than one such self-regulatory organization, the organization designated by the SEC as the examining authority for the creditor.

(k) *In or at the money.* With respect to a call option, the current market price of the underlying security is not more than one standard exercise interval below the exercise price of the option; with respect to a put option, the current market price of the underlying security is not more than one standard exercise interval above the exercise price of the option.

(l) *In the money.* With respect to a call option, the current market price of the underlying security is not below the exercise price of the option; with respect to a put option, the current market price of the underlying security is not above the exercise price of the option.

(m) *Margin call.* Demand by a creditor to a customer for a deposit of additional cash or securities to eliminate or reduce an equity deficiency as required under this part.

(n) *Margin security.* Any registered security, OTC margin stock, OTC margin bond, or any security issued by an open-end investment company or unit investment trust registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8).

(o) *Nonequity security.* Any security other than an equity security (as defined in section 3(a)(11) of the Act).

(p) *Nonexempted security.* Any security other than an exempted security (as defined in section 3(a)(12) of the Act).

(q) *Nonmember bank.* A bank that is not a member of the Federal Reserve System.

(r) *OTC margin bond.* A debt security not traded on a national securities exchange which meets all of the following requirements:

(1) At the time credit is extended, a principal amount of not less than \$25,000,000 of the issue is outstanding;

(2) The issue was registered under section 5 of the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the issuer either files periodic reports pursuant to section 13(a) or 15(d) of the Act or is an insurance company that meets all of the conditions specified in section 12(g)(2)(G) of the Act; and

(3) At the time of the extension of credit, the creditor has a reasonable basis for believing that the issuer is not in default on interest or principal payments.

(s) *OTC margin stock.* Any equity security not traded on a national securities exchange which has the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer, and the character and permanence of the issuer to warrant treating such stock like an equity security traded on a national securities exchange and which the Board has determined meets the criteria set forth in § 220.16. The Board will from time to time publish a list of these OTC margin stocks.

(t) *Overlying option.* (1) A put option purchased or a call option written against a long position in an underlying security in the specialist record in § 220.11(b); or

(2) A call option purchased or a put option written against a short position in an underlying security in the specialist record in § 220.11(b).

(u) *Purpose credit.* (1) Credit for the purpose of buying, carrying or trading in securities. All other credit is non-purpose credit.

(2) Credit for the purpose of buying or carrying any part of an investment contract security shall be deemed credit for the purpose of buying or carrying the entire security.

(v) *Registered security.* Any security that (1) is registered on a national securities exchange; or (2) has unlisted trading privileges on a national securities exchange.

(w) *Short call or short put.* A call option or a put option that is issued, endorsed or guaranteed in or for an account.

(x) *Specialist joint account.* An account, which, by written agreement, provides for the commingling of the security positions of the participants and provides for a sharing of profits and losses from the account on some predetermined ratio.

(y) *Underlying security.* The security that will be delivered upon exercise of an option, but not including a security convertible into the underlying security.

§ 220.3 General provisions.

(a) *Records.* The creditor shall maintain a record for each account showing the full details of all transactions.

(b) *Segregation of accounts.* Except as provided for in the margin account and the special memorandum account, the requirements of an account may not be met by considering items in any other account.

(c) *Maintenance of credit.* Except as otherwise specifically prohibited by this part, any credit initially extended in compliance with this part may be maintained regardless of: (1) Reductions in the customer's equity resulting from changes in market prices; (2) any security in an account ceasing to be margin or exempted; or (3) any change in the margin requirements prescribed under this part.

(d) *Guaranteed accounts.*—No guarantee of a customer's account shall be given any effect for purposes of this part.

(e) *Time of receipt of funds or securities.* (1) A creditor may accept as payment:

(i) Any check, draft, or order payable on presentation that is accepted in good faith;

(ii) Any security with sight draft attached that is accepted in good faith.

(2) A creditor may treat as receipt of a security, check or draft written notice from another creditor, accepted in good faith, that a specified security, check or draft has been sent to the creditor.

(3) Upon notification that a check, draft, or order has been dishonored or when securities have not been received within a reasonable time, the creditor shall take the action required by this part when payment or securities are not received on time.

(f) *Exchange of securities.* To enable a customer to participate in an offer to exchange securities which is made to all holders of an issue of securities, a creditor may submit for exchange any securities held in a margin account, without regard to the other provisions of

this part, provided the consideration received is deposited into the account. If a nonmargin, nonexempted security is acquired in exchange for a margin security, its retention, withdrawal, or sale within 60 days following its acquisition shall be treated as if the security is a margin security.

(g) *Valuing securities.* The current market value of a security shall be determined as follows:

(1) Throughout the day of the purchase or sale of a security, the creditor shall use the security's total cost of purchase or the net proceeds of its sale. Computation of total cost and net proceeds shall include any commissions charged.

(2) At any other time, the creditor shall use the closing sale price of the security on the preceding business day, as shown by any regularly published reporting or quotation service. If there is no closing price, the creditor may use any reasonable estimate of the market value of the security as of the close of business on the preceding business day.

(h) *Innocent mistakes.* If any failure to comply with this part results from a mechanical mistake made in good faith in executing a transaction or calculating the amount of margin, the creditor shall not be deemed in violation of this part if, promptly after the discovery of the mistake, the creditor takes appropriate corrective action.

(i) *Variable annuity contracts issued by insurance companies.* Any insurance company that issues or sells variable annuity contracts or engages in a general securities business as a broker or dealer shall be subject to this part only for transactions in connection with those activities. Extensions of credit associated with conventional lending practices of insurance companies are subject to Regulation G (12 CFR Part 207).

§ 220.4 Margin account

(a) *Margin transactions.* All transactions not specifically authorized for inclusion in any other account shall be recorded in the margin account.

(b) *Computation of margin required.* The margin required for each position in securities is set forth in § 220.17 (the Supplement) and is subject to the exceptions and special provisions contained in § 220.5 (Margin Account Exceptions and Special Provisions).

(c) *When additional margin is required.* (1) All transactions on the same day shall be combined to determine whether additional margin is required by the creditor. Additional margin is required on any day when there are transactions in the account and the day's transactions create or

increase an equity deficiency in the account and shall be for the amount of the equity deficiency created or increased, whichever is less. The additional margin required may be satisfied by a transfer from the special memorandum account or by a deposit made in satisfaction of a margin call. The deposit may consist of cash, margin securities, exempted securities, or any combination thereof.

(2) A margin call shall be satisfied within 7 business days after the equity deficiency was created or increased. Upon application by the creditor to a self-regulatory organization or national securities association, the 7-day period may be extended one or more limited periods when the organization or association is satisfied that the creditor is acting in good faith and that exceptional circumstances warrant such action. Applications shall be filed and acted upon prior to the end of the 7-day period or the expiration of any subsequent extensions. However, an application filed from firms having no direct electronic access to the organization or association may be accepted as timely filed if it is postmarked no later than midnight of the last day of the 7-day period or any subsequent extension.

(3) If the equity deficiency created or increased is \$500 or less, no action need be taken by the creditor.

(4) Any transaction, position, or deposit that is used to satisfy one requirement under this part shall be unavailable to satisfy any other requirement.

(5) The sale of the same security (even though not the same certificate) shall be deemed to be a long sale rather than a short sale.

(d) *Liquidation in lieu of deposit.* If any margin call is not met in full within the time required, the creditor shall liquidate securities sufficient to meet the margin call or to eliminate any equity deficiency existing on that day, whichever is less.

(e) *Withdrawals of cash or securities.* (1) Cash or securities may be withdrawn from an account, except if:

(i) cash or securities are required to be deposited into the account for a transaction on the same or a previous day; or (ii) the withdrawal, together with other transactions, deposits, and withdrawals on the same day, would create or increase an equity deficiency.

(2) If a creditor does not receive any cash or securities on the day on which a distribution is payable with respect to any security in a margin account and withdrawal would not be permitted under paragraph (e)(1)(i) or (ii) of this

section, a transaction shall be deemed to have occurred on the day on which the distribution is payable.

(3) Equity excess may be transferred to the special memorandum account by making a single entry to that account which will represent a debit to the margin account and a credit to the special memorandum account.

(f) *Interest, service charges, etc.* (1) The creditor in its usual practice may debit the following items to a margin account if they are taken into consideration in calculating the balance of such account.

(i) Interest on credit maintained in the margin account;

(ii) Communication or shipping charges with respect to transactions in the margin account;

(iii) Premiums on securities borrowed in connection with short sales or to effect delivery;

(iv) Dividends, interest, or other distributions due on borrowed securities; and

(v) Any service charges which the creditor may impose.

(2) A creditor may permit interest, dividends, or other distributions credited to a margin account to be withdrawn from the account if:

(i) The withdrawal does not create or increase an equity deficiency in the account; or

(ii) The current market value of any securities withdrawn does not exceed 10 percent of the current market value of the security with respect to which they were distributed.

§ 220.5 Margin account exceptions and special provisions.

(a) *Unissued securities.* (1) The margin required on a net long or net short position in an unissued security is the margin that would be required if the security were an issued margin security, plus any unrealized loss on the commitment or less any unrealized gain.

(2) Margin is not required on a net short position in unissued securities when the account contains the related issued securities, nor for any net short or net long position in unissued exempted securities.

(b) *Options.*—(1) *Margin for options on exempted debt securities.* The margin required for each transaction involving any short put or short call on an exempted debt security shall be the amount set forth in § 220.17 (the Supplement).

(2) *Margin for options on equity securities.* The margin required for each transaction involving any short put or short call on an equity security shall be the amount set forth in § 220.17 (the Supplement), plus any unrealized loss

on the commitment or minus any unrealized gain. However, the margin required shall not exceed the current market value of the underlying security.

(3) *Cover or positions in lieu of margin.* No margin is required for an option written on an equity security position when the account holds any of the following:

(i) The underlying security in the case of a short call, or a short position in the underlying security in the case of a short put;

(ii) Securities immediately convertible into or exchangeable for the underlying security without restriction or the payment of money in the case of a short call, provided that the right to convert or exchange does not expire on or before the expiration date of the short call;

(iii) An escrow receipt for the underlying security in the case of a short call or cash in the case of a short put;

(iv) A long call on the same number of shares of the same underlying security if the long call does not expire before the expiration date of the short call, and if the amount, if any, by which the exercise price of the long call exceeds the exercise price of the short call is added to the margin required;

(v) A long put on the same number of shares of the same underlying security if the long put does not expire before the expiration date of the short put, and if the amount, if any, by which the exercise price of the short put exceeds the exercise price of the long put is added to the margin required;

(vi) A warrant to purchase the underlying security, in the case of a short call, if the warrant does not expire on or before the expiration date of the short call, and if the amount, if any, by which the exercise price of the warrant exceeds the exercise price of the short call is added to the margin required. A warrant used in lieu of the required margin under this provision shall contribute no equity to the account.

(4) *Adjustments.*—(i) When a short position held in the account serves in lieu of the margin required for a short put, the amount prescribed by paragraph (b)(2) of this section as the amount to be added to the margin required in respect of short sales shall be increased by any unrealized loss on the position.

(ii) When a security held in the account serves in lieu of the margin required for a short call, the security shall be valued at no greater than the exercise price of the short call.

(5) *Straddles.* When both a short put and a short call are in a margin account on the same number of shares of the same underlying security, the margin required shall be the margin on either the short put or the short call, whichever

is greater, plus any unrealized loss on the other option.

(6) *Exclusive designation.* The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day as to which security position will be used in lieu of the margin to support an option transaction. Any security held in the account which serves in lieu of the margin required for a short put or a short call shall be unavailable to support any other option transaction in the account.

(c) *Accounts of partners.* If a partner of the creditor has a margin account with the creditor, the creditor shall disregard the partner's financial relations with the firm (as shown in the partner's capital and ordinary drawing accounts) in calculating the margin or equity of the partner's margin account.

(d) *Contribution to joint venture.* If a margin account is the account of a joint venture in which the creditor participates, any interest of the creditor in the joint account in excess of the interest which the creditor would have on the basis of its right to share in the profits shall be treated as an extension of credit to the joint account and shall be margined as such.

(e) *Transfer of accounts.* (1) If a margin account is transferred from one creditor to another, the account may be treated as if it had been maintained by the transferee from the date of its origin, provided that the transferee accepts in good faith a signed statement of the transferor, or if that is not practicable, of the customer, that any margin call issued under this part has been satisfied.

(2) If a margin account is transferred from one customer to another as part of a transaction that is not undertaken for the purpose of avoiding the requirements of this part, the account may be treated as if it had been maintained for the transferee from the date of its origin, provided that the creditor accepts in good faith and keeps with such transferee account a signed statement of the transferor describing the circumstances for the transfer.

§ 220.6 Special memorandum account

(a) A special memorandum account (SMA) may be maintained in conjunction with a margin account. A single entry amount may be used to represent both a credit to this account and a debit to the margin account. A transfer between the two accounts may

be effected by an increase or reduction in the entry. When computing the equity in a margin account, the single entry amount must be considered as a debit to the margin account.

(b) The SMA may contain the following entries:

(1) Dividend and interest payments;
(2) Cash deposited to meet a maintenance margin call or to meet any requirement of a self-regulatory organization that is not imposed by this part;

(3) Proceeds of a sale of securities from the margin account that may be withdrawn under § 220.4(e) of this part; and

(4) equity excess transferred from the margin account under section 220.4(e)(3) of this part.

(c) Any payment to the customer or on the customer's behalf or transfer to any of the customer's other accounts from this account reduces the single entry amount.

§ 220.7 Cash account.

(a) *Permissible transactions.* In a cash account, a creditor may:

(1) buy for or sell to any customer any security if: (i) there are sufficient funds in the account; or (ii) the creditor accepts in good faith the customer's agreement that the customer will promptly make full cash payment for the security before selling it and does not contemplate selling it prior to making such payment;

(2) buy from or sell for any customer any security if: (i) the security is held in the account; or (ii) the creditor accepts in good faith the customer's statement that the security is owned by the customer or the customer's principal, and that it will be promptly deposited in the account;

(3) issue, endorse, or guarantee an option for any customer if:

(i) in the case of a call option, the underlying security is held in or purchased for the account on the same day, and the option premium is held in the account until cash payment for the underlying security is received;

(ii) in the case of a put option, the creditor obtains cash in an amount equal to the exercise price of the put option; or

(iii) in the case of a call or a put, the creditor is advised by the customer that the required securities or cash are held by a bank and the creditor independently verifies that an appropriate escrow receipt will be delivered by the bank promptly but no later than 7 business days after the option is written.

(b) *Time periods for payment; cancellation or liquidation.*

(1) *Full cash payment.* A creditor shall obtain full cash payment for customer purchases within 7 business days of the date:

(i) any nonexempted security was purchased;

(ii) any unissued security was made available by the issuer for delivery to purchasers;

(iii) any "when distributed" security was distributed under a published plan;

(iv) a security owned by the customer has matured or has been redeemed and a new refunding security of the same issuer has been purchased by the customer, provided:

(A) the customer purchased the new security no more than 35 calendar days prior to the date of maturity or redemption of the old security;

(B) the customer is entitled to the proceeds of the redemption; and

(C) the delayed payment does not exceed 103 percent of the proceeds of the old security.

(2) *Delivery against payment.* If a creditor purchases for or sells to a customer a security in a delivery against payment transaction, the creditor shall have up to 35 calendar days to obtain payment if delivery of the security is delayed due to the mechanics of the transaction and not related to the customer's willingness or ability to pay.

(3) *Shipment of securities, extension.* If any shipment of securities is incidental to consummation of a transaction, a creditor may extend the 7 business day period by the number of days required for shipment, but not by more than 7 business days.

(4) *Cancellation; liquidation; minimum amount.* A creditor shall promptly cancel or otherwise liquidate a transaction or any part of a transaction for which the customer has not made full cash payment within the required time. A creditor may, at its option, disregard any sum due from the customer not exceeding \$500.

(c) *90-Day Freeze.* (1) If a security in the account is sold or delivered out to another broker or dealer without having been previously paid for in full by the customer, the privilege of delaying payment beyond the trade date shall be withdrawn for 90 calendar days following the date of sale of the security. Cancellation of the transaction other than to correct an error shall constitute a sale.

(2) The 90-day freeze shall not apply if: (i) within 7 business days of the trade date full payment is received and any check or draft in payment has cleared and the proceeds from the sale are not withdrawn prior to such payment or check clearance or (ii) if the purchased security was delivered to another broker

or dealer for deposit in a cash account which holds sufficient funds to pay for the security. The creditor may rely on a written statement accepted in good faith from the other broker or dealer that sufficient funds are held in the other cash account.

(d) *Extension of time periods; transfers.* On application of a creditor, a self-regulatory organization or association may: (1) extend any period specified in paragraph (b) of this section; (2) authorize transfer to another account of any transaction involving the purchase of a margin or exempted security; or (3) grant a waiver from the 90-day freeze if it is satisfied that the creditor is acting in good faith and that exceptional circumstances warrant such action. Applications shall be filed and acted upon prior to the end of the 7-day period or the expiration of any subsequent extension. However, an application filed from firms having no direct electronic access to the exchange or association may be accepted as timely filed if it is postmarked no later than midnight of the last day of the 7-day period or any subsequent extension.

§ 220.8 Nonsecurities credit account.

(a) In a nonsecurities credit account a creditor may:

(1) Effect and carry transactions in commodities;

(2) Effect and carry transactions in foreign exchange;

(3) Extend and maintain nonpurpose credit, either secured or unsecured, subject to the requirements of paragraph (b) of this section.

(b) Every extension of credit, except as provided in paragraphs (a)(1) and (2) of this section, shall be deemed to be purpose credit unless, prior to extending the credit, the creditor accepts in good faith from the customer a written statement that it is not purpose credit. The statement shall conform to the requirements of Form F.R.T.-4 and shall be retained by the creditor for at least three years after the credit is extinguished. To accept the customer's statement in good faith, the creditor shall be aware of the circumstances surrounding the extension of credit and shall be satisfied that the statement is truthful.

§ 220.9 Omnibus account.

(a) In an omnibus account, a creditor may effect and finance transactions for a broker or dealer who is registered with the SEC under section 15 of the Act and who gives the creditor written notice that:

(1) all securities will be for the account of customers of the broker or dealer; and

(2) any short sales effected will be short sales made in behalf of the customers of the broker or dealer other than partners.

(b) The written notice required by paragraph (a) shall conform to any SEC rule on the hypothecation of customers' securities by brokers or dealers.

§ 220.10 Broker-dealer credit account.

(a) *Permissible transactions.* In a broker-dealer credit account, a creditor may:

(1) Purchase any security from or sell any security to another creditor under a good faith agreement to promptly deliver the security against full payment of the purchase price.

(2) Effect and finance transactions of any of its owners if the creditor is a clearing and servicing broker or dealer owned jointly or individually by other creditors.

(3) Extend and maintain credit to any partner or stockholder of the creditor for the purpose of making a capital contribution to, or purchasing stock of, the creditor or an affiliated corporation.

(4) With the approval of the appropriate examining authority:

(i) Extend and maintain credit to meet the emergency needs of any creditor;

(ii) Extend and maintain subordinated credit to another creditor for capital purposes, if the other creditor:

(A) is an affiliated corporation; or

(B) will not use the proceeds of the loan to increase the amount of dealing in securities for the account of the creditor, its firm or corporation or an affiliated corporation.

(b) For purposes of paragraph (a)(3) and (4) of this section "affiliated corporation" means a corporation all the common stock of which is owned directly or indirectly by the firm or general partners and employees of the firm, or by the corporation or holders of the controlling stock and employees of the corporation and the affiliation has been approved by the creditor's examining authority.

§ 220.11 Market functions account.

(a) *Requirements.* In a market functions account, a creditor may effect and finance the transactions of market participants in accordance with the following provisions. A separate record shall be kept for the transactions specified for each category described in paragraphs (b) through (f) of this section. Any position in a separate record shall not be used to meet the requirements of any other category.

(b) *Specialists.*

(1) *Applicability.* A creditor may clear and finance specialist transactions for any specialist, or any specialist joint account, in which all participants, or all participants other than the creditor, are registered as specialists on a national securities exchange that submits to the Board reports supplying current information on the use of specialist credit.

(3) *Permitted offset positions.* A specialist in options may establish, on a share-for-share basis, a long or short position in the securities underlying the options in which the specialist makes a market, and a specialist in securities other than options may purchase or write options overlying the securities in which the specialist makes a market, if the account holds the following permitted offset positions:

(i) a short option position which is "in or at the money" and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is "in the money";

(ii) a long option position which is "in or at the money" and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is "in the money";

(iii) a short option position against which an exercise notice was tendered;

(iv) a long option position which was exercised;

(v) a net long position in a security (other than an option) in which the specialist makes a market; or

(vi) a net short position in a security (other than an option) in which the specialist makes a market.

(4) *Margin required.* The margin required for a specialist's transactions shall be:

(i) Zero for any long position in a security in which the specialist makes a market or a wholly-owned margin security;

(ii) 25 percent of the current market value of any underlying security or overlying option purchased and held long in the account as a permitted offset position;

(iii) The margin prescribed by section 220.17 (the Supplement) when a security purchased and held in the account does not qualify as a specialist or permitted offset position;

(iv) 100 percent of the current market value of either a security sold short or an option written where such position qualifies as a specialist position;

(v) 125 percent of the current market value of any security sold short or any option written and held in the account as a permitted offset position;

(vi) The margin prescribed by section 220.17 (the Supplement) when a security sold does not qualify as a specialist or permitted offset position.

(5) *Additional margin; restriction of "free-riding."* (i) Except as required by subparagraph (6) of this section, the creditor shall issue a margin call on any day when additional margin is required as a result of specialist transactions. The creditor may allow the specialist a maximum of five business days to satisfy a margin call.

(ii) If a specialist fails to satisfy a margin call within the period specified in this paragraph (and the creditor is required to liquidate securities to satisfy the call), the creditor shall be prohibited for a 15 calendar day period from extending any further credit to the specialist to finance transactions in nonspecialty securities.

(iii) The restriction on free-riding shall not apply to:

(A) any specialist on a national securities exchange that has an SEC-approved rule on "free-riding" by specialists; or (B) the acquisition or liquidation of a permitted offset position.

(6) *Deficit status.* On any day when a specialist's separate record would liquidate to a deficit, the creditor shall not extend any further specialist credit in the account and shall issue a margin call at least as large as the deficit. If the call is not met by noon of the following business day the creditor shall liquidate positions in the specialist's account.

(7) *Withdrawals.* Withdrawals may be permitted to the extent that the equity exceeds the margin requirements specified in paragraph (b)(4) of this section.

(c) *Arbitrage.* A creditor may effect and finance for any customer *bona fide* arbitrage transactions. For the purpose of this subsection, the term "*bona fide* arbitrage" means:

(1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable for the purpose of taking advantage of a difference in prices in the two markets; or

(2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days of the purchase into a second security together with an offsetting sale of the second security, at or about the same time, for the purpose of taking advantage of a concurrent disparity in the prices of the two securities.

(d) *Underwritings and distributions.* A creditor may effect and finance for any dealer or group of dealers transactions

for the purpose of facilitating the underwriting or distribution of all or a part of an issue of securities.

(e) *OTC Marketmakers and Third Marketmakers.* (1) A creditor may clear and finance marketmaking transactions for an OTC marketmaker or a third marketmaker who:

(i) is in compliance with any applicable SEC rule, including minimum net capital rules;

(ii) regularly submits *bona fide* competitive bid and offer quotations to a recognized inter-dealer quotation system;

(iii) is ready, willing, and able to effect transactions in reasonable amounts with other brokers and dealers at the quoted prices; and

(iv) has a reasonable average rate of inventory turnover.

(2) If the credit extended to a marketmaker ceases to be for the purpose of marketmaking, or the dealer ceases to be a marketmaker for an issue of securities for which credit was extended, the credit shall be subject to the margin specified in section 220.17 (the Supplement).

(f) *Odd-lot dealers.* A creditor may clear and finance odd-lot transactions for any creditor who is registered as an odd-lot dealer on a national securities exchange.

§ 220.12 Arranging for loans by others.

(a) A creditor may not arrange for the extension or maintenance of credit to or for any customer by any person upon terms and conditions other than those upon which the creditor may itself extend or maintain credit under the provisions of this part, except that this limitation shall not apply to credit arranged for a customer which does not violate Parts 207 and 221 of this Chapter and results solely from:

(1) investment banking services, provided by the creditor to the customer, including, but not limited to, underwritings, private placements, and advice and other services in connection with exchange offers, mergers or acquisitions, except for underwritings that involve the public distribution of an equity security with installment or other deferred payment provisions; or

(2) the sale of non-margin securities with installment or other deferred payment provisions if the sale is exempted from the registration requirements of the Securities Act of 1933 under section 4(2) or section 4(6) of the Act (15 U.S.C. 77(d) (2) and (6)).

§ 220.13 Clearance of securities.

(a) *Credit for clearance of securities.* The provisions of this part shall not apply to the extension or maintenance

of any credit that is not for more than one day if it is incidental to the clearance of transactions in securities directly between members of a national securities exchange or association or through any clearing agency registered with the SEC.

(b) *Deposit of securities with options clearing agency.* The provisions of this part shall not apply to the deposit of securities with an options clearing agency for the purpose of meeting its deposit requirements if:

(1) the clearing agency issues options on securities;

(2) the clearing agency is registered with the SEC;

(3) the deposit consists of any underlying securities for classes of option contracts outstanding at the time of the deposit; and

(4) the deposit complies with the rules of the clearing agency which have been approved by the SEC.

§ 220.14 Borrowing by creditors.

(a) *Restrictions on borrowing.* A creditor may not borrow in the ordinary course of business as a broker or dealer using as collateral any registered nonexempted security, except:

(1) From or through a member bank of the Federal Reserve System;

(2) From any nonmember bank that has filed with the Board an agreement as prescribed in paragraph (b) of this section, which agreement is still in effect; or

(3) From another creditor if the loan is permissible under this part.

(b) *Agreements of nonmember banks.*

(1) A nonmember bank shall file an agreement that conforms to the requirements of Form F.R.T.-2 if:

(i) Its principal place of business is in a territory or insular possession of the United States; or

(ii) It has an office or agency in the United States and its principal place of business is outside the United States.

(2) Any other nonmember bank shall file an agreement that conforms to the requirements of Form F.R.T.-1.

(3) Any nonmember bank may terminate its agreement if it obtains the written consent of the Board.

§ 220.15 Borrowing and lending securities.

Without regard to the other provisions of this part, a creditor may borrow or lend securities for the purpose of making delivery of the securities in the case of short sales, failure to receive securities required to be delivered, or other similar situations. Each borrowing shall be secured by a deposit of cash, U.S. government securities, or an irrevocable letter of credit issued by a bank insured by the Federal Deposit Insurance

Corporation. Such deposit made with the lender of the securities shall have at all times a value at least equal to 100 percent of the market value of the securities borrowed.

§ 220.16 Requirements for OTC margin stock list.

(a) *Requirements for inclusion on the list of OTC margin stocks.* Except as provided in subsection (d) below, OTC margin stock shall meet the requirements that:

(1) The stock is registered under section 12 of the Act, or is an American Depositary Receipt ("ADR") of a foreign issuer whose securities are registered under section 12 of the Act, or is a stock of a foreign issuer required to file reports under section 15(d) of the Act;

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock and regularly submit *bona fide* bids and offers to an automated quotations system for their own accounts;

(3) There are 1,200 or more holders of record, as defined in SEC Rule 12g5-1 (17 CFR 240.12g5-1), of the stock who are not officers, directors or beneficial owners of 10 percent or more of the stock, or the average daily trading volume of such stock as determined by the Board, is at least 500 shares;

(4) The issuer has been in existence for at least three years;

(5) The stock has been publicly traded for at least six months;

(6) Daily quotations for both bid and asked prices for the stock are continuously available to the general public;

(7) There are 400,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors or beneficial owners of more than 10 percent of the stock;

(8) The minimum average bid price of such stock, as determined by the Board, is at least \$5 per share; and

(9) The issuer had at least \$4 million of capital, surplus, and undivided profits.

(b) *Requirements for continued inclusion on the list of OTC margin stocks.* Except as provided in subsection (d) below, OTC margin stock shall meet the requirements that:

(1) The stock is registered under section 12 of the Act or is an ADR of a foreign issuer whose securities are registered under section 12 of the Act, or is a stock of a foreign issuer required to file reports under section 15(d) of the Act;

(2) Three or more dealers stand willing to and do in fact, make a market

in such stock and regularly submit bona fide bids and offers to an automated quotations system for their own accounts;

(3) There continue to be 800 or more holders of record, as defined in SEC Rule 12g5-1 (17 CFR 240.12g5-1), of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock, or the average daily trading volume of such stock, as determined by the Board, is at least 300 shares;

(4) Daily quotations for both bid and asked prices for the stock are continuously available to the general public;

(5) There are 300,000 or more shares of such stock outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock;

(6) The minimum average bid price of such stocks, as determined by the Board, is at least \$1 per share; and

(7) The issuer has at least \$1 million of capital, surplus, and undivided profits.

(c) *Removal from the list of OTC margin stocks.* The Board shall from time to time remove from the OTC margin stock list stocks that cease to:

(1) exist or of which the issuer ceases to exist, or

(2) meet substantially the provisions of paragraph (b) of this section or section 220.2(n)

(d) *Discretionary authority of Board.* The foregoing notwithstanding, the Board may omit or remove any stock that is not traded on a national securities exchange from or add any such stock to such list of OTC margin stocks, if in the judgment of the Board, such action is necessary or appropriate in the public interest.

(e) *Unlawful Representations.* It shall be unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on the list of OTC margin stocks is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with the list or stocks on that list shall be an unlawful representation.

§ 220.17 Supplement to Regulation T Margin Requirements.

The margin required for each security position held in a margin account shall be as follows:

(a) *Registered equity security or OTC margin stock:* 50 percent of the current market value of the security.

(b) *Registered convertible debt security:* 50 percent of the current market value of the security.

(c) *Exempted security, registered non-convertible debt security or OTC margin bond:* the margin required by the creditor in good faith.

(d) *Short put or short call on an equity security written in the account:* 30 percent of the current market value of the underlying security, but not less than \$250, adjusted or waived in accordance with section 220.5(b).

(e) *Short sale of non-exempted security:* 150 percent of the current market value of the security.

(f) *Short sale of an exempted security:* 100 percent of the current market value of the security plus the margin required by the creditor in good faith.

(g) *Nonmargin, nonexempted equity security, including a convertible debt security, or a long position in any option:* 100 percent of the current market value.

(h) *Short put or short call on an exempted debt security written in the account or the security position to be held in lieu of margin:*

(1) the amount specified by the rules of the national securities exchange on which the option is traded provided that all such rules have been approved or amended by the SEC; or

(2) in the case of an option on an exempted debt security which is not traded on an exchange an amount or security position which the creditor in good faith deems to be equivalent to the margin or cover on comparable exchange-traded options.

By order of the Board of Governors of the Federal Reserve System, March 24, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-8431 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 81N-0106]

Digestive Aid Drug Products for Over-the-Counter Human Use; Advance Notice of Proposed Rulemaking; Extension of Time for Comments and Reply Comments

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA) extends to June 4, 1982, the comment period and to July 5, 1982, the reply comment period for the advance notice of proposed rulemaking to establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) digestive aid drug products. This action is being taken in response to a request to allow more time for interested parties to consult with scientific experts in order to provide more informed comments on the notice.

DATES: Written comments by June 4, 1982, and reply comments by July 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 5, 1982 (47 FR 454), FDA issued an advance notice of proposed rulemaking to establish conditions for the safety, effectiveness, and labeling of digestive aid drug products for OTC human use. This advance notice of proposed rulemaking, based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products, is part of the ongoing review of OTC drug products conducted by the agency. Interested persons were given until April 5, 1982, to comment on the advance notice of proposed rulemaking and until May 5, 1982, for reply comments.

In response to the proposal, The Proprietary Association requested a 60-day extension of the comment period in order to allow adequate time for the association to consult with outside scientific experts and obtain the full benefit of these experts' views in formulating the association's comments and response to this advance notice of proposed rulemaking.

FDA has carefully considered the request and believes that information described in the request may be of assistance to the agency in establishing the safety and effectiveness of OTC digestive aid drug products and is in the public interest. The agency considers a general extension of the comment period for 60 days to be appropriate. Accordingly, the comment period for submissions by any interested person is extended to June 4, 1982, and the reply comment period is extended to July 5, 1982. Comments may be seen in the

Dockets Management Branch, Food and Drug Administration, at the address noted above, between 9 a.m. and 4 p.m. Monday through Friday.

Dated: March 24, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 82-8404 Filed 3-25-82; 2:00 pm]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-650]

Hazardous Materials; Attendant Exemption and Latch-Open Devices

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: With this notice the Occupational Safety and Health Administration (OSHA) proposes to revoke a standard that exempts employers with private service stations, not accessible to the public, from having to provide a service station attendant. The exemption is not necessary because there is no OSHA standard which requires that an attendant must otherwise be provided. It is also proposed to remove OSHA's ban on the use of latch-open devices on gasoline delivery nozzles when the dispensing is to be done by someone other than the service station attendant. The proposed revisions are intended to correct problems and conflicts between the current OSHA standards and nationally recognized consensus standards used by local code enforcement agencies.

DATES: Comments on these proposals must be received by April 29, 1982. Hearing requests must be received by April 29, 1982.

ADDRESS: Comments and hearing requests should be sent to the Docket Officer, Docket No. S-650, Room S-6212, U.S. Department of Labor, Washington, DC 20210. All materials received will be available for public inspection and copying at this address.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael B. Moore, Senior Safety Engineer, Occupational Safety and Health Administration, Room N-3463, U.S. Department of Labor, Washington, DC 20210, (202) 523-7225.

SUPPLEMENTARY INFORMATION:

Background

1. *Attendant exemption.* Paragraph (g)(2) of § 1910.106 exempts employers with private service stations, not open or accessible to the public, from having to provide a service station attendant. However, there is no corresponding provision in the standards that requires public service stations to have such an attendant available. Thus, there appears to be an exemption which has no application. OSHA therefore, proposes that the exemption be removed from the standards.

2. *Latch-open devices.* OSHA also proposes revocation of its current ban on latch-open devices on self-service gasoline delivery nozzles because the ban does not address an employee safety concern, and rather than being necessary for public protection—an area outside OSHA's mandate—instead imposes a bothersome requirement on the American consumer.

The standard regulating gasoline delivery nozzles in self-service gasoline outlets is found in 29 CFR 1910.106(g)(3)(vi). That paragraph prohibits the use of approved latch-open devices on gasoline delivery nozzles if the dispensing of Class I liquids is to be done by a person other than the service station attendant. Use of latch-open devices is therefore limited to those pumps operated by the service station attendant.

When OSHA adopted the current prohibition on latch-open devices from the 1969 edition of the National Fire Protection Association's standard, the self-service operation of gasoline pumps was rather limited. Consumer experience with self-service pumps was equally limited. Gasoline delivery was, for the most part, done by the service station attendant.

However, since that time, there has been a significant increase in the number of retail self-service gasoline outlets in the United States and many self-service pumps have been added to previously full-service outlets.

NFPA's Technical Committee responsible for developing NFPA 30, *Flammable and Combustible Liquids Code*, OSHA's source standard, recently lifted its ban on the use of approved latch-open devices on pumps to be used by the public in a self-service mode. Many reasons have been put forth for this change in the NFPA 30-1981 standard. For example, many individuals, because of the inconvenience of holding nozzles open, have resorted to using unapproved prop-open devices such as their gas caps, wooden dowels, or similar chocks. Some enterprising individuals have even marketed a

combination key holder and unauthorized prop-open device. However, the NFPA has also found that enforcement of the ban on latch-open devices is extremely difficult, if not impossible. Further, in areas where local authorities have permitted "approved" latch open devices (i.e., listed or labeled by Underwriters' Laboratories or Factory Mutual Engineering Corporation), no incidents of fire or injury have been reported to NFPA. OSHA, as well, is unaware of any incidents of employee injury directly attributable to public use of latch-open devices on self-service nozzles.

Since the 1981 revision of NFPA 30 was published, many local jurisdictions now permit or have expressed their intention to permit, the use of latch-open devices. Many employers wish to install the device for the convenience of their customers. However, since OSHA still prohibits the use of approved latch-open devices, many employers understandably are reluctant to install the device.

Interested parties have petitioned OSHA to lift this unnecessary ban on approved latch-open devices. OSHA's Advance Notice of Proposed Rulemaking of January 23, 1981 (46 FR 7692), announced OSHA's intent to review its standards on Hazardous Materials (29 CFR Part 1910, Subpart H) for possible revision. Among the issues raised in the ANPR was the appropriateness of OSHA's continued ban on the use of latch-open devices on self-service pumps. The vast majority of comments and petitions received by OSHA support the Agency's position in this proposed rulemaking. The comments also cite examples of the use of unapproved prop-open devices by the public in self-service stations where approved latch-open devices are not available.

OSHA is proposing to lift its ban on latch-open devices for three reasons. First, as noted by the NFPA-30 Committee and supported by OSHA's experience, there is nothing to indicate that employee injuries would occur as a result of public use of latch-open devices at service stations. Secondly, because the present ban on latch-open devices contained in the current OSHA standard seems more directed toward protection of the public and property than toward protection of employees. Employee protection from any hazards associated with the dispensing of gasoline can, and should, be adequately provided by other OSHA standards. And finally, approved latch-open devices can provide convenience to the

public, and avoid the potential hazards from the use of makeshift devices.

OSHA's proposal to lift its prohibition of latch-open devices is limited to 29 CFR 1910.106(g)(3)(vi). Other OSHA standards prohibiting latch-open devices will not be affected by this proposal. For example, 29 CFR 1910.106(g)(4)(i)(c) will continue to ban the use of latch-open devices in marine service stations. The use of a latch-open device in this situation, whether by an attendant or the public, could result in accidental nozzle displacement due to wave action and other unique hazards. Other OSHA standards, such as those in the maritime, construction, and agricultural industry standards, are not affected by this notice.

Regulatory Assessment

According to Lundberg Survey Incorporated data, there are approximately 190,000 service stations in the Nation open and available to the public. Approximately 72% of the pumps found in these stations are set up for self-service operation. Further, the Lundberg Survey estimates of the number of hoses per service station in 1981 is approximately 8.4. OSHA expects that the majority of those self-service pumps that do not have latch-open devices on them at the present time will be fitted with such devices after the ban is lifted.

It should be noted, however, that the proposal will not require an employer to use latch-open devices. It will leave the decision to individual employers.

Thus, the final decision as to whether to use latch-open devices will rest with the employer or with the local fire safety code enforcement agency. Based upon the criteria established in the Executive Order 12291 (46 FR 13193) and upon the criteria established by the Department of Labor, OSHA has concluded and certified that the subject matter of this proposal is not a "Major" action.

This proposed rulemaking would reduce the burden on the public and on business imposed by unnecessary Federal regulation in that it would eliminate two standards that are not only unrelated to employee safety, but also totally unnecessary in every respect. For these reasons, pursuant to the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 et seq.), OSHA certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposal. These comments must be postmarked by

April 29, 1982, and submitted in quadruplicate to the Docket Office, Docket No. S-650, Room S-6212, U.S. Department of Labor, Washington, DC 20210. Written submissions must clearly identify the specific provision of the proposal which is addressed and the position taken with respect to the issue.

The data, views and arguments that are submitted will be available for public inspection and copying at the above Docket Office address. All timely submissions received will be made a part of the record of this proceeding. Additionally, under section 6(b)(3) of the Act and 29 CFR 1911.11, interested persons may file objections to the proposal and request an informal hearing. Requests for an informal hearing should also be submitted in quadruplicate to the Docket Office at the above address. The hearing request should be filed in accordance with the following provisions:

1. The objections must include the name and address of the objector;
2. The objections must be postmarked by: April 29, 1982;
3. The objections must specify with particularity the provisions of the proposed rule to which objection is taken and must state the grounds therefore;
4. Each objection must be separately stated and numbered;
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the requested hearing.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210.

For the reasons set forth in the preamble and pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, Part 1910 of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH HAZARDS

1. By removing paragraph (g)(2) of § 1910.106.
2. By revising paragraph (g)(3) of § 1910.106 to read as follows:

§ 1910.106 Flammable and combustible liquids

(g) Service stations * * *

(3) Dispensing systems. * * *

(vi) Delivery nozzles. (a) A listed manual or automatic-closing type hose nozzle value shall be provided on dispensers used for the dispensing of Class I liquids.

(b) Manual-closing type valves shall be held open manually during dispensing. Automatic-closing type valves may be used in conjunction with an approved latch-open device.

Signed at Washington, DC, this 24th day of March 1982.

Thorne G. Auchter,
Assistant Secretary of Labor.
[FR Doc. 82-8302 Filed 3-29-82; 8:45 am]
BILLING CODE 4510-26-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

41 CFR Part 101-41

Use of Cash To Procure Passenger Transportation Services Costing More Than \$100

AGENCY: Transportation and Public Utilities Service, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to revise its regulations to grant agency heads or their designated representatives authority to approve all cash purchases of passenger transportation services exceeding \$100 instead of using the Government Transportation Request (GTR). The proposed revision will eliminate the requirement for agencies to request a written exemption from the Administrator of General Services for use of cash for nonemergency transportation services exceeding \$100. Currently, agency heads and their designated representatives may authorize use of cash only for the purchase of emergency transportation services exceeding \$100. Removing this restriction will reduce the administrative burden on Federal agency heads and GSA.

DATE: Comments must be received by April 29, 1982.

ADDRESS: Written comments should be sent to the General Services Administration (TACP), Chester A. Arthur Building, Washington, D.C. 20406.

FOR FURTHER INFORMATION CONTACT:

John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202-275-0664).

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 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.

GSA proposes to amend Title 41, Part 101-41 of the Code of Federal Regulations (41 CFR Part 101-41) as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

1. Section 101-41.203-2(a) is revised to read as follows:

§ 101-41.203-2 Use of cash.

(a) Cash shall be used to procure all passenger transportation services costing \$10 or less, exclusive of Federal Transportation Tax, and to pay air excess baggage charges of \$15 or less for each leg of a trip, unless special

circumstances justify the use of a GTR. Agencies have the option of requiring travelers to use cash to procure passenger transportation services from, to or between points in the United States, including Alaska and Hawaii, and its possessions or the trust territories, where such services cost more than \$10 but do not exceed \$100, exclusive of Federal Transportation Tax, for each trip authorized on official travel authorization. GTR's shall be used to procure all passenger transportation services costing in excess of \$100 unless otherwise exempted in writing by the heads of agencies or their designated representatives. To justify the use of cash in excess of \$100 instead of GTR's when procuring passenger transportation services, both the Government agency head, or the designated representative, and the traveler shall certify on the travel voucher the reasons for this use. In the absence of specific authorization or approval, the traveler shall be responsible for all additional costs involved for this travel, such as the use of first-class travel, or more costly modes. The traveler should bear in mind the fact that currently there are many Government discount fares and contract fares, only obtainable through the use of GTR.

(31 U.S.C. 244)

Dated: March 8, 1982.

Allan W. Beres,
Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-8502 Filed 3-29-82; 8:45 am]

BILLING CODE 6820-AM-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex. Parte No. 346 (Sub-No. 8)]

Exemption From Regulation—Boxcar Traffic

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file reply comments to notice of proposed exemption.

SUMMARY: In a notice published at 47 FR 4100, January 28, 1982, the Commission denied a petition by Conrail seeking exemption from regulation of all movements in boxcars having AAR equipment type designation A, B, R, or S when the movements are to, from, or via Conrail, and also sought comments on the merits of exempting Conrail's or all boxcar movements by all railroads from some or all of our regulation. Reply comments were due March 31, 1982. At the request of Irel Corp., that date is being extended.

DATE: Reply comments are due April 30, 1982.

ADDRESS: Send original and 15 copies of statement to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

Dated: March 23, 1982.

By the Commission, Reese H. Taylor,
Chairman.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-8494 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 47, No. 61

Tuesday, March 30, 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.

ACTION

National Voluntary Service Advisory Council; Cancellation of Meeting

AGENCY: ACTION.

ACTION: National Voluntary Service Advisory Council; Cancellation of Meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of cancellation of the National Voluntary Service Advisory Council Meeting scheduled for April 1, 1982 (47 FR 11301, March 16, 1982).

Due to scheduling difficulties, it has been determined that the meeting of the National Voluntary Service Advisory Council on April 1, 1982 should be rescheduled for a later date.

Signed this 23rd day of March 1982 in Washington, D.C.

Thomas W. Pauken,
Director.

[FR Doc. 82-8407 Filed 3-29-82; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Determination of Availability, Maturity, and Expiration Dates for Loans and Purchase Programs for 1981—Crops of Barley, Corn, Oats, Rice, Rye, Sorghum, Soybeans and Wheat

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of Availability, Maturity, and Expiration Dates for Loans and Purchase Programs for 1981—Crops of Barley, Corn, Oats, Rice, Rye, Sorghum, Soybeans and Wheat.

SUMMARY: The availability dates for obtaining price support loans and filing purchase agreements with the

Commodity Credit Corporation (CCC) and the maturity and expiration dates applicable to such loans and purchase agreements have previously been published by annual crop supplements for each commodity. The annual crop supplements are no longer being codified. The purpose of this notice is to inform producers of the availability, maturity, and expiration dates for the 1981—crops of barley, corn, oats, rice, rye, sorghum, soybeans, and wheat.

FOR FURTHER INFORMATION CONTACT:

H. E. Maynard, Cotton, Grain and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Phone: (202) 447-8480.

SUPPLEMENTARY INFORMATION: This determination has been reviewed under USDA procedures established in accordance with provisions of Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified "not major." It has been determined that the provisions of this determination will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this determination.

The title and number of the Federal Assistance Program to which this determination applies are: Commodity Loans and Purchases, Number 10.051 as filed in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

Sections 101(h), 105A, 107A and 201(e) of the Agricultural Act of 1949, as amended, provide that the Secretary of

Agriculture shall support the 1981 crops of rice, barley, corn, oats, rye, sorghum, wheat, and soybeans, respectively, through price support loans and purchases.

The loan availability date establishes the final date by which a producer may obtain a price support loan from CCC.

The purchase availability date establishes the final date by which a producer may file a purchase agreement with CCC.

The maturity date defines the length of time for a price support loan and establishes the final date by which a price support loan matures with respect to a commodity.

The expiration date defines the length of time that a purchase agreement may be outstanding and establishes the final date by which a purchase agreement expires with respect to a commodity.

Previously, availability, maturity and expiration dates related to such price support programs were published by CCC in annual crop supplements. However, these supplements are no longer being codified. Accordingly, it has been determined that the dates will be published as a Notice in the Federal Register for the 1981—crop of these commodities. In addition, these dates will be published in a continuing regulation for the 1982 and subsequent crops of these commodities.

Since producers are currently obtaining loans and executing purchase agreements for the 1981—crop of barley, corn, oats, rice, rye, sorghum, soybeans, and wheat, it has been determined that no further public rulemaking is required.

Accordingly, the following determination has been made.

Determinations

Availability Dates. The final date to obtain a price support loan for the 1981 crop of: (a) Barley, oats, rice, rye, and wheat is March 31, 1982, and (b) corn, sorghum, and soybeans is May 31, 1982.

The final date to file a purchase agreement for the 1981 crop of (a) barley, oats, rye, and wheat is March 31, 1982; (b) corn, sorghum, and soybeans is May 31, 1982; and (c) rice is April 30, 1982.

Maturity Dates. Price support loans for the 1981—crop of: (a) Barley, corn, oats, rye, sorghum, soybeans, and wheat mature on demand but no later than the last day of the ninth calendar month following the month in which the loan is

disbursed; (b) rice mature on demand but no later than April 30, 1982.

Expiration Dates. Purchase agreements for the 1981 crop of: (a) Barley, corn, oats, rye, sorghum, soybeans, and wheat expire on the last day of the ninth calendar month following the month in which the agreement is approved; (b) rice expire on April 30, 1982.

Signed in Washington, D.C. on March 23, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-8408 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Devers-Serrano-Villa Park Transmission Line Project, Cleveland National Forest and San Bernardino National Forest, Orange and Riverside Counties, California; Intent To Prepare a Supplement to Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, and Title 14, Section 15063 of the State of California Administrative Code, the Forest Service, U.S. Department of Agriculture and the California Public Utilities Commission, acting as "joint-lead agencies" will prepare a Supplement to the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for a power transmission line system between Devers and Valley Substations (500 KV), and between Serrano and Villa Park Substations (220 KV). The Draft Environmental Impact Statement being supplemented was published in August, 1981. The Bureau of Land Management, Department of Interior is a "cooperating agency" in the preparation of this EIS/EIR.

Southern California Edison Company (SCE) proposes to construct and operate a 500 KV transmission line and a 200 KV transmission line between Devers Substation in Riverside County and the Serrano Substation and Villa Park Substation near Anaheim on existing right-of-way. Project alternates cross the San Bernardino National Forest and Cleveland National Forest lands managed by the United States Department of Agriculture, Forest Service and would also cross public lands managed by the U.S. Department of Interior, Bureau of Land Management.

Applications have been filed by the Southern California Edison Company for a right-of-way across lands administered by the United States

Department of Agriculture, Forest Service and Bureau of Land Management. Application has also been filed with the CPUC, pursuant to Public Utilities Code Section 1001 and General Order 131-B for a certificate of public convenience and necessity to cover the entire transmission line.

All individuals, organizations, Federal, State and local agencies who may be interested in or affected by the decision are invited to participate in the scoping process, which includes:

(a) Identification of those issues to be addressed;

(b) Identification of issues to be analyzed in depth; and,

(c) Elimination of insignificant issues; (d) discussion of routes to be suited, and (e) related actions. The scoping meetings will be held by the joint-lead agencies as follows:

April 12, 1982, 7:00 p.m., Ramona High School Auditorium, 7675 Magnolia Ave., Riverside, California.

April 16, 1982, 7:00 p.m., Banning Community Center, 781 North San Geronimo Blue, Banning, California.

April 19, 1982, 7:00 p.m., Silverado Community Church, 8002 Silverado Canyon Rd., Silverado, California.

Mr. Zane G. Smith, Jr., Regional Forester, Pacific Southwest Region of the Forest Service, is the responsible official. The agency project coordinator will be: Carl D. Corey, Cleveland National Forest, 34 Civic Center, P.O. Box 12610, Santa Ana, California 92712, (714) 836-2144.

The CPUC Project Coordinator will be: Howard Wright, 350 McAllister Street, San Francisco, California 94102, (415) 557-2903.

It is anticipated that the environmental analysis will require about ten (10) months. The Draft Supplement EIS/EIR should be available for public review by August 1982 and the Final EIS/EIR is scheduled for completion in January, 1983.

Comments on the Notice of Intent or on the project should be sent to Mr. Ralph C. Cisco, Forest Supervisor, Cleveland National Forest, 880 Front Street, Room 6S5, San Diego, CA 92188.

Dated: March 19, 1982.

Robert W. Cermak,

Deputy Regional Forester, Pacific Southwest Region.

[FR Doc. 82-8472 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Biological Nitrogen Fixation; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Department of Agriculture announces the following meeting:

Name: Subcommittee for Biological Nitrogen Fixation of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and Time: May 5 and 6, 1982,

Wednesday—9:00 a.m. to 5:30 p.m.,

Thursday—9:00 a.m. to 5:30 p.m.

Place: U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of Meeting: Closed.

Contact person: Iris F. Martin, Associate Program Manager, Biological Nitrogen Fixation Program, U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone: (703) 235-2648.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Biological Nitrogen Fixation Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92-463.

John R. Block,

Secretary.

[FR Doc. 82-8519 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-03-M

Technical Advisory Committee for Science and Research Grants Program, Subcommittee for Biological Stress on Plants; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Department of Agriculture announces the following meeting:

Name: Subcommittee for Biological Stress on Plants of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 6, 7, and 8, 1982,

Thursday—9:00 a.m. to 5:30 p.m., Friday—9:00 a.m. to 5:30 p.m., Saturday—9:00 a.m. to 5:30 p.m.

Place: Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of meeting: Closed.

Contact person: Anne Holiday Schauer, Associate Chief, Competitive Research Grants Office, Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone (703) 235-2630.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Biological Stress on Plants Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92-463.

John R. Block,

Secretary.

[FR Doc. 82-8520 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-03-M

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Biological Stress on Plants; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Department of Agriculture announces the following meeting:

Name: Subcommittee for Biological Stress on Plants of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 10, 11, and 12, 1982, Monday—9:00 a.m. to 5:30 p.m., Tuesday—9:00 a.m. to 5:30 p.m., Wednesday—9:00 a.m. to 5:30 p.m.

Place: Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of meeting: Closed.

Contact person: Anne Holiday Schauer, Associate Chief, Competitive Research Grants Office, Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone: (703) 235-2630.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Biological Stress on Plants Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals

associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92-463.

John R. Block,

Secretary.

[FR Doc. 82-8521 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-03-M

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Genetic Mechanisms for Crop Improvement; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Department of Agriculture announces the following meeting:

Name: Subcommittee for Genetic Mechanisms for Crop Improvement of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 13, 14, and 15, 1982, Thursday—9:00 a.m. to 5:30 p.m., Friday—9:00 a.m. to 5:30 p.m., Saturday—9:00 a.m. to 5:30 p.m.

Place: Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of Meeting: Closed.

Contact person: Machi F. Dilworth, Associate Program Manager, Genetic Mechanisms for Crop Improvement Program, Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone: (703) 235-2644.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Genetic Mechanisms for Crop Improvement Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92-463.

John R. Block,

Secretary.

[FR Doc. 82-8523 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-03-M

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Human Nutrition; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Department of Agriculture announces the following meeting:

Name: Subcommittee for Human Nutrition of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 3, 4, and 5, 1982, Monday—9:00 a.m. to 5:30 p.m., Tuesday—9:00 a.m. to 5:30 p.m., Wednesday—9:00 a.m. to 5:30 p.m.

Place: Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of meeting: Closed.

Contact person: Ritva R. Butrum, Associate Program Manager, Human Nutrition Program, Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone: (703) 235-2646.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Human Nutrition Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92-463.

John R. Block,

Secretary.

[FR Doc. 82-8518 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-03-M

Technical Advisory Committee for Science and Education Research Grants Program, Subcommittee for Photosynthesis; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Department of Agriculture announces the following meeting:

Name: Subcommittee for Photosynthesis of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and time: May 12 and 13, 1982, Wednesday—9:00 a.m. to 5:30 p.m., Thursday—9:00 a.m. to 5:30 p.m.

Place: U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of Meeting: Closed.

Contact person: Olga v.H. Owens, Associate Program Manager, Photosynthesis Program Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone: (703) 235-2640.

Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Photosynthesis Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92-463.

John R. Block,

Secretary.

[FR Doc. 82-8522 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Big Creek Watershed, Missouri; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT:

Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone 314/875-5241.

NOTICE: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Big Creek Watershed, Carroll and Livingston Counties, Missouri.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection, flood prevention and recreation. Alternatives under

consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, and earth dams.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. A scoping meeting will be held at the Tina-Avalon School, Wednesday, April 14, 1982, to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or the scoping meeting may be obtained from Paul F. Larson, State Conservationist, at the above address or telephone.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Paul F. Larson,

State Conservationist.

March 22, 1982.

[FR Doc. 82-8364 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-16-M

Statistical Reporting Service

Changes in Distribution of Releases to a Fee System

Notice is hereby given that effective June 1, 1982 the Statistical Reporting Service (SRS) will discontinue free distribution of releases through its Crop Reporting Board.

Limited free copies will be provided to the news media and crop and livestock survey respondents.

Individual copies and annual subscriptions of all releases published by SRS's Crop Reporting Board will be for sale through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Order forms and price lists are available from the Secretary of the Crop Reporting Board.

For further information, contact G. L. Clampet, Secretary, Crop Reporting Board, Room 5809-S, USDA/SRS, Washington, D.C. 20250, Phone (202) 447-7017.

Done at Washington, D.C. this 22nd day of March, 1982.

W. E. Kibler,

Administrator.

[FR Doc. 82-8467 Filed 3-29-82; 8:45 am]

BILLING CODE 3410-20-M

DEPARTMENT OF COMMERCE

International Trade Administration

Pennsylvania State University; Decision on Application for Duty-Free Entry of Scientific Article

Correction

In FR Doc. 82-7764, on page 12373 in the issue of Tuesday, March 23, 1982, the last column, first paragraph, first line, correct "Docket No.: 81-0039" to read "Docket No.: 81-00390."

BILLING CODE 1505-01-M

Certain Steel Wire Nails From the Republic of Korea; Extension of Period for Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Extension of period for preliminary countervailing duty determination.

SUMMARY: The preliminary determination of certain steel wire nails (nails) from the Republic of Korea (Korea) is being postponed. We intend to issue the determination not later than June 18, 1982.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Richard Rimlinger or Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377-1276.

SUPPLEMENTARY INFORMATION: On February 8, 1982, we announced our initiation of a countervailing duty investigation to determine whether manufacturers, producers, or exporters of Korean nails receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. The notice stated that if our investigation proceeded normally, we would make our preliminary determination by April 14, 1982.

Section 703(c) of the Act provides that the Department of Commerce may postpone its preliminary determination if it concludes that the parties involved are cooperating in the investigation, the case is extraordinarily complicated, and additional time is needed to make the preliminary determination.

In accordance with section 703 of the Act, the Department of Commerce has concluded that this case meets these criteria. An extension is warranted because of the large number and

complexity of the alleged subsidy practices, and the novelty of certain issues.

Therefore, the Department is postponing the deadline for the preliminary determination until not later than June 18, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-6484 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

Monsanto Research Corp.; et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *Federal Register*.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00116. Applicant: Monsanto Research Corp., Mound Facility, Mound Road, Miamisburg, Ohio 45342. Article: CXP-200 Nuclear Magnetic Resonance Spectrometer. Manufacturer: Bruker Analytik GMBH, West Germany. Intended use of article: The article is intended to be used for research on high energy materials such as explosives and pyrotechnics (including thermites). The ultimate goal in this research is to enhance weapon compatibility through energetic material quality control. The approaches will include: Material quality inspection, identification of quality control factors and its deviation, and recommendation of solution to possible deviation through understanding of deviation mechanism.

Application received by Commissioner of Customs: February 18, 1982.

Docket No. 82-00117. Applicant: The University of Texas Health Science Center at San Antonio, Department of Biochemistry, 7703 Floyd Curl Drive, San Antonio, TX 78284. Article: Nanosecond Fluorometer System 2000. Manufacturer: Photochemical Research Associates, Canada. Intended use of article: The article is intended to be used during studies of chemical solutions as well as liquids, membranes and proteins. Properties of these chemicals which will be studied include fluorescence lifetimes, quantum yields, and fluorescence depolarization. These are helpful to measure the microviscosity, and the rotational properties of the compounds. Application received by Commissioner of Customs: February 18, 1982.

Docket No. 82-00118. Applicant: North Carolina State University, Electron Microscope Center, Raleigh, North Carolina 27650. Article: Electron Microscope. Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of the ultrastructure of cells, tissues, organelles and cell fractions from a variety of plant, animal, and microbial sources. In addition, the article will be used in training Ph.D. and Masters graduate students in the techniques of transmission electron microscopy. Application received by Commissioner of Customs: February 18, 1982.

Docket No. 82-00119. Applicant: Institute for Environmental Studies, 42 Atkinson Hall, Louisiana State University, Baton Rouge, LA 70803. Article: Fluid Inclusion System, Model #TH 600. Manufacturer: Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to study fluid inclusions which occur in some minerals. These fluids include gases and liquids. In order to determine the composition of the fluids, the sample is heated or cooled while being observed under a microscope and the temperature of the sample is very accurately determined. Application received by Commissioner of Customs: February 18, 1982.

Docket No. 82-00120. Applicant: South Bend Medical Foundation, 531 North Main Street, South Bend, Indiana 46601. Article: Electron Microscope, Model H-300 with Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for diagnostic, research and educational uses. The materials to be studied are human organs and tissues removed during surgery or at autopsy. The major work will be diagnostic

studies on both benign and malignant tumors of humans and also human kidney biopsies. The intent is to use the article on an everyday basis as routine instrumentation for the identification and classification of tumors and microorganisms such as viruses. The objective of these diagnostic studies is more accuracy in diagnosis and treatment of malignant and infectious diseases. The article will also be used for training pathology residents in diagnostic electron microscopy. Application received by Commissioner of Customs: February 18, 1982.

Docket No. 82-00121. Applicant: University Hospitals of Cleveland, University Circle, Cleveland, Ohio 44106. Article: Electron Microscope, Model JEM 100CX. Manufacturer: JOEL Ltd. Japan. Intended use of article: The article is intended to be used to carry out medium and high resolution ultrastructural investigation on a variety of neuropathological specimens. Nerve, muscle and skin of human biopsies will be examined to determine the changes occurring at an ultrastructural level. The aim of these studies is to assess the involvement of cytoskeleton in a variety of human diseases involving the peripheral axon, muscle and skin. Morphometric analysis will be carried out on the electron micrographs. The article will also be used in training residents in neuropathology, neurology and neurosurgery during their rotation in neuropathology. Application received by Commissioner of Customs: February 18, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-6479 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

University of Cincinnati, et al.; for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate

with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00084. Applicant: University of Cincinnati, Department of Chemistry, Cincinnati, Ohio 45221. Article: Gas Chromatograph Mass Spectrometer System, MS 80. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used for a broad range of research topics from studies on the molecular aspects necessary to provide an understanding of basic metabolism and the adverse effects of toxic compounds, to studies on statistics employed in epidemiology, to clinical research involving occupational exposures to chemicals, noise and stress, to the development of methods to safeguard public health and the integrity of the ecosystem under study. Specific projects being carried out include:

- (1) Investigation of the pulmonary metabolism of carcinogenic polynuclear aromatic hydrocarbons and N-heterocyclic aromatics in an isolated perfused lung system under various conditions that influence their carcinogenic potential.
- (2) Mutagenesis and carcinogenesis characterization of organics in drinking water.
- (3) Analysis for pesticides and their metabolites.

Application received by Commissioner of Customs: January 6, 1982.

Docket No. 82-00094. Applicant: Chemical Industry Institute of Toxicology, 6 Davis Drive, P.O. Box 12137, Research Triangle Park, NC 27709. Article: Cryokit, Model LKB 14800. Manufacturer: LKB Instruments, Inc., Sweden. Intended use of article: The article is intended to be used to thin section frozen tissue from experimental animals in studies of various "target" organs injured by a variety of chemical toxins under study. Experiments utilizing inhalation, feeding, and injection of chemicals into laboratory animals will be performed to study chemical induced cell injury. The objectives of these studies are to form an understanding of cell reaction to the chemical insult, and to find mechanisms

by which these insults may be blocked or prevented. Application received by Commissioner of Customs: February 12, 1982.

Docket No. 82-00092. Applicant: McGuire VA Medical Center, Broad Rock Rd. and Belt Blvd., Richmond, VA 23249. Article: Electron Microscope, Model EM10 CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will also be used in the training of pathology residents (physicians in post graduate training) assigned as part of a rotation from a regularly constituted training program to familiarize students with the electron microscope enabling them to examine material independently, find the relevant areas to be examined and take high quality photomicrographs at the required magnifications. In addition, the article will be used by Ph. D. candidates to learn to prepare electron microscopic sections, stain sections, and make prints from electron microscope negatives. Application received by Commissioner of Customs: January 13, 1982.

Docket No. 82-00097. Applicant: U.S. Geological Survey, Water Quality Laboratory, 5293 Ward Road, Arvada, CO 80002. Article: Gas Chromatograph/Mass Spectrometer/Data System, Model MM707GDS. Manufacturer: VC Micromass Ltd., United Kingdom. Intended use of article: The article is intended to be used in a number of different research programs including:

1. Identification of the organic compounds leached by water from oil shale retort wastes.
2. Identification of organic compounds in surface and ground waters.
3. Identification of organic pollutants in natural waters.
4. Elucidation of the chemical structure of natural organic poly-electrolytes, and
5. Identification of halogenated organic compounds in treated water supplies.

Application received by Commissioner of Customs: January 20, 1982.

Docket No. 82-00098. Applicant: Saint Margaret Hospital, Clinical Laboratory, 5454 Hohman, Hammond, IN 46320. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studying renal biopsies, as well as "problem" cases of neoplasias, mostly undifferentiated tumors, whose proper diagnosis can be so greatly enhanced by the observation of the ultrastructural cellular components. The properties of the material to be investigated are essentially human tissues with suspected and sometimes clinically proved pathologic changes. Application received by Commissioner of Customs: January 27, 1982.

Docket No. 82-00099. Applicant: Wm Beaumont Army Medical Center P.O. Box 70003, El Paso, TX 79920. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the investigation of a variety of human and animal tissues, normal and under pathological conditions as well as pathological entities such as parasites, bacteria, and virus particles. The objective pursued with this article is the immediate diagnostic patient care in order to maintain the readiness of the U.S. Army fighting capability, as well as of clinical research with the same objective. The article will also be used in the training of staff, residents and interns. Application received by Commissioner of Customs: January 28, 1982.

Docket No. 82-00100. Applicant: Howard University, Ernest E. Just Laboratory of Cellular Biology, College of Medicine, Department of Anatomy, 520 W. Street, NW., Washington, D.C. 20059. Article: Electron Microscope, Model EM 410 and Accessories. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article is intended to be used for the following research projects and studies:

1. Investigating the ultrastructural morphology of lymphatic vascular system during the normal and the inflammatory states, with special attention to the lymphatic anchoring filaments that serve to attach these vessels to the adjoining connective tissue areas.
2. Studies on the precise nature in which these filaments are bound to the lymphatic endothelial plasma membrane.
3. Histochemical identification of substances associated with the cell surfaces of lymphatic endothelial cells in an attempt to characterize the chemical nature of the substances involved in the binding of lymphatic anchoring filaments to the cell surface and
4. Precise identification of pathological changes exhibited by the lymphatic endothelium during inflammation.

Application received by Commissioner of Customs: January 28, 1982.

Docket No. 82-00103. Applicant: State University of New York, Physics Department, Stony Brook New York 11794. Article: MK II Type 185H Replacement Cryogenic Turbine. Manufacturer: Sulzer Bros (UK) Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used with the Stony Brook linear accelerator for cooling the LINAC. Application received by Commissioner of Customs: January 28, 1982.

Docket No. 82-00104. Applicant: University of California, Lawrence

Livermore National Laboratory, 7000 East Avenue, Post Office Box 5012, Livermore, CA 94550. Article: Superprobe 733 Electron Probe X-ray Microanalyzer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of great varieties of both metallic and non-metallic alloys which are used either directly in nuclear devices or in support of weapons testing programs at LLNL. The experiments to be conducted are principally investigations or autopsies of materials subjected to various physical tests designed to discern their suitability in a particular application. Most often these autopsies are performed to explain why these materials perform adversely. At times they are also studied to determine the cause of some unique performance they exhibit in testing. The objectives pursued in the course of the investigations are to locate and ascertain the elemental compositions of the microscopic features of the microstructure which are related to the physical properties of the material. Application received by Commissioner of Customs: January 28, 1982.

Docket No. 82-00105. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Telemetry Equipment. Manufacturer: Ruedin Biotelemetry Systems, Switzerland. Intended use of article: The article is intended to be used for directly monitoring mammalian neurological functions (brain waves and sleep states) along with other documented methods of monitoring circadian rhythms to continue probing deeper into the neurological control of an influence on circadian regulation. The article will monitor the circadian desynchronization of deep body temperature and neurological activity (EEG) in two small mammals (rats). Application received by Commissioner of Customs: January 28, 1982.

Docket No. 82-00106. Applicant: The Ohio State University, Campus Chemical Instrumentation Center, 140 W. 18th Avenue, Columbus, OH 43210. Article: Mass Spectrometer, Model MS-30. Manufacturer: Kratos Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of mixtures of volatile chemicals (synthetic, natural products). The experiments to be conducted will include separation and components of mixtures using gas chromatography, followed by high-resolution mass spectrometry to obtain accurate ion masses, from which the chemical molecular formula is determined. Ions

are to be produced by electron impact, chemical ionization, or fast atom bombardment. In addition, the article will be used for educational purposes in the courses: 999 (Chemistry, Biochemistry Pharmacy, Physiological Chemistry, and others) consisting of graduate research toward M.Sc. and Ph.D. degree. Application received by Commissioner of Customs: January 28, 1982.

Docket No. 82-00108. Applicant: University of Texas at Austin, Fusion Research Center, Robert L. Moore Hall, Room 12.207, 26th & Speedway Streets, Austin, TX 78712. Article: Carcinotron Electronic Tube, TH4218C. Manufacturer: Thomson-CSF, Groupement Tubes Electroniques, France. Intended use of article: The article is intended to be used to generate submillimeter waves through plasma for diagnostic measurement and understanding of plasma properties for controlled fusion. Application received by Commissioner of Customs: January 27, 1982.

Docket No. 82-00109. Applicant: National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035. Article: Interferometer-Spectrophotometer, Model DA3.01 and Accessories. Manufacturer: Bomem, Inc., Canada. Intended use of article: The article is intended to be used in a research program which includes the study of planetary atmospheres as well as the investigation of the effects of minor atmospheric constituents in the Earth's stratosphere. Investigations will involve the analyses of the spectra of molecules that participate in physical and chemical processes in planetary atmospheres. The studies are useful to build computational models of planetary atmospheres to help understand their composition and energetics. The objectives of the investigations include the determination of line and band intensities, broadening coefficients, line half widths and line positions. Application received by Commissioner of Customs: February 2, 1982.

Docket No. 82-00110. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, New York 14853. Article: Excimer Laser, Model EMG-101. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of article: The article will be used as an energy source to pump a high power tunable dye laser system. The high peak and average power of this total system will be used to do unique multiphoton experiments to determine the electronic structure and photophysics of molecules of high chemical interest. In addition,

the article will be used by a variety of graduate students and postdoctoral fellows who will learn the fundamental techniques of laser application to chemical research. Application received by Commissioner of Customs: February 4, 1982.

Docket No. 82-00111. Applicant: Gladstone Foundation for Cardiovascular Disease, Gladstone Foundation Labs, 2550 23rd Street, Bldg. 40, San Francisco, CA 94110. Article: Electron Microscope, Model JEM-100CXII with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for investigations of the morphological aspects of the blood vessels and various blood components. For this specimens of animal and human tissues will be used as well as cultured cells and organs or subfractions of these. Experiments to be conducted will include:

(1) The identification of components of atherosclerotic and normal vessel walls by use of immunocytochemical and histochemical techniques;

(2) The pursuit of internal organization of cells of interest in vascular disease or in normal function using replica, whole mount, or thick section techniques as well as conventional thin section and negative stain techniques;

(3) The monitoring of lipoproteins on normal and abnormal human and animal blood as well as changes in these with various biochemical procedures.

The article will also be used for individual instruction in electron microscope techniques for undergraduate students. Application received by Commissioner of Customs: February 4, 1982.

Docket No. 82-00112. Applicant: University of Maryland, College Park, Maryland 20742. Article: Excimer Laser, Model EMG 102. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of article: The article is intended to be used as an energy source to pump a high power tunable dye laser system. This laser will be used in a Lyman Alpha Laser diagnostics project in the study of plasma and fusion energy basic research. The laser will be used by students and post doctoral faculty to study fundamental techniques of laser application to physical science particularly in plasma and fusion energy. Application received by Commissioner of Customs: February 4, 1982.

Docket No. 82-00114. Applicant: Orlando Regional Medical Center, Inc. 1414 S. Kuhl Avenue, Orlando, Florida 32806. Article: Electron Microscope, Model EM 109 and Accessories.

Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used in a continuing program of testing and evaluation of the technical procedures used for the preparation of various diagnostic and research specimens. These tests will include:

(i) Experiments designed to study the relationship between the composition of support epoxies and the physical appearance/characteristics of the embedded specimens;

(ii) Experiments designed to determine the feasibility of using non-standard fixation protocols for specimens which may be prepared by smaller laboratories from available reagents and then sent to the Center through the mail;

(iii) Experiments designed for the purpose of determining the applicability of electron microscopy in the area of Pediatric Medicine with special emphasis placed on developing a procedure for recovering Rotavirus form tissue cultures and body exudates.

The article will also be used for educational purposes in a pathology resident training program designed to prepare rising pathologists for certification in Anatomic and Clinical Pathology. Application received by Commissioner of Customs: February 18, 1982.

Docket No. 82-00115. Applicant: Lenox Hill Hospital, 100 East 77th Street, New York, NY 10021. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used for research and diagnostic pathology, principally in the areas of human neoplasm identification and classification, renal pathology and parasite infections. In addition, the article will be used for training in diagnostic electron microscopy in a pathology residency program. Application received by Commissioner of Customs: February 18, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82-8480 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

Prestressed Concrete Steel Wire Strand From the United Kingdom; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping investigation to determine whether prestressed concrete steel wire strand ("PC strand") from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of PC strand are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 19, 1982, and we will make ours on or before August 11, 1982.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230 (202-377-2923).

SUPPLEMENTARY INFORMATION:

Petition

On March 4, 1982, we received a petition from counsel for American Spring Wire Corporation, Armco Incorporated, Bethlehem Steel Corporation, Florida Cable and Wire Company, Pan American Ropes, Incorporated, and Shinko Wire America, Incorporated, on behalf of the U.S. industry producing PC strand. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of PC strand from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the "Act"), and that these imports are materially injuring, or threatening to materially injure, a U.S. industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on PC strand, and we have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether PC strand from the United Kingdom is being, or is likely to be, sold

at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by August 11, 1982.

Scope of the Investigation

For the purpose of this investigation, the term "prestressed concrete steel wire strand" covers wire strand of steel other than stainless steel for prestressing concrete, as currently provided for in item 642.1120 of the *Tariff Schedules of the United States Annotated*.

Notification of ITC

Section 732(d) of the Act requires us to notify the U.S. International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also 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.

Preliminary Determination by ITC

The ITC will determine by April 19, 1982, whether there is a reasonable indication that imports of PC strand from the United Kingdom are materially injuring, or threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 24, 1982.

[FR Doc. 82-8481 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

Prestressed Concrete Steel Wire Strand From Brazil; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Brazil of prestressed concrete steel wire strand ("PC strand") receive benefits which constitute subsidies

within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of PC strand are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 19, 1982, and we will make ours on or before May 28, 1982.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, (202) 377-1273.

SUPPLEMENTARY INFORMATION:

Petitions

On March 4, 1982, we received a petition from counsel for American Spring Wire Corporation, Florida Wire & Cable Company, Pan American Ropes, Inc. and Shinko Wire America, Inc., on behalf of the U.S. industry producing PC strand. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in Brazil of PC strand receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the "Act") and that imports of PC strand are materially injuring, or threatening to materially injure, a U.S. industry.

Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to this investigation.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on PC strand, and we have found that it meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Brazil of PC strand receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will

make our preliminary determination by May 28, 1982.

Scope of the Investigation

For the purpose of this investigation, the term "prestressed concrete steel wire strand" covers wire strand of steel other than stainless steel for prestressed concrete, as currently provided for in item 642.1120 of the *Tariff Schedules of the United States Annotated*.

Allegations of Subsidies

The petition alleges that producers, manufacturers, or exporters in Brazil of PC strand benefit from the following subsidies: Preferential capital loans, preferential working-capital loans, tax exemptions, investment subsidies from tax rebates, overabate of indirect taxes, special depreciation and tax-loss carry forward privileges for export-oriented projects, regional development incentives, preferential factor pricing, transportation subsidies, employee training deductions, income tax deductions for foreign market expenditures, exemption of capital equipment from import duties and the industrial products tax, and special amortization of start-up costs.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileges 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.

Preliminary Determination by ITC

The ITC will determine by April 19, 1982, whether there is a reasonable indication that imports of PC strand from Brazil are materially injuring, or threatening to materially injure, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 24, 1982.

[FR Doc. 82-8482 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

Prestressed Concrete Steel Wire Strand From France; Initiation of Countervailing Duty Investigation.

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in France of prestressed concrete steel wire strand (hereafter referred to as PC strand) receive benefits that constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of PC strand are materially injuring, or threatening to materially injure, a U.S. industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 19, 1982, and we will make ours on or before May 28, 1982.

EFFECTIVE DATE: March 30, 1982.

FOR FURTHER INFORMATION CONTACT:

Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, (202) 377-1273.

SUPPLEMENTARY INFORMATION:

Petition

On March 4, 1982, we received a petition from counsel for American Spring Wire Corporation, Armco Incorporated, Bethlehem Steel Corporation, Florida Wire & Cable Company, Pan American Ropes Incorporated and Shinko Wire America Incorporated, on behalf of the U.S. industry producing PC strand. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in France of PC strand receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the "Act") and that imports of PC strand are materially injuring, or threatening to materially injure, a U.S. industry. Critical circumstances have not been alleged.

France is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to this investigation.

Initiation of Investigation

Under section 702(c) of the act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on PC strand, and we have found that it meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in France of PC strand receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will make our preliminary determination by May 28, 1982.

Scope of the Investigation

For the purpose of this investigation, the term "prestressed concrete steel wire strand" covers wire strand of steel other than stainless steel for prestressed concrete, as currently provided for in item 642.1120 of the *Tariff Schedules of the United States Annotated*.

Allegations of Subsidies

The petition alleges that producers, manufacturers, or exporters in France of PC strand receive the following benefits that constitute subsidies: Preferential loans, the recapitalization of the French carbon steel industry under the 1978 Rescue Plan, assistance to coal and coke suppliers, assistance to labor, export credits and export insurance.

The petition also alleges that producers, manufacturers, or exporters in France of PC strand benefit from the following European Communities subsidies: Preferential loans, assistance to coal and coke suppliers, and assistance to labor.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that 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.

Preliminary Determination by ITC

The ITC will determine by April 19, 1982, whether there is a reasonable indication that imports of PC strand from France are materially injuring, or threatening to materially injure a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed to conclusion.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 24, 1982.

[FR Doc. 82-8483 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

Subcommittee on Incentives and Disincentives; President's Export Council; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

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 Subcommittee on Incentives and Disincentives was formed by the Council to study, and make recommendations on, incentives and disincentives to export trade.

Time and place: April 15, 1982, from 2:00-5:00 p.m. The meeting will be held in Room 4830, Department of Commerce, 14th Street and Constitution Avenue, Washington, D.C. 20230.

Agenda

General Session

An open session will be held from 2:00-4:00 p.m. during which investment issues, reciprocity, the Foreign Corrupt Practices Act, and export financing will be discussed. Reports will be made by the Subcommittee's Task Forces on Disincentives Created by Investment Policies of Foreign Countries and on New Incentives to Stimulate Exports.

Closed Session

From 4:10-5:00 p.m. the Subcommittee will hold a closed session to discuss matters properly classified under Executive Order 12065, dealing with OECD negotiations on export credit subsidies.

Public participation: The General Session of 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 any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 10, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Closed Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Closed Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: (202) 377-4217.

FOR FURTHER INFORMATION CONTACT:

Ms. Wendy Haimes, President's Export Council Staff, Room 2128, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377-1125.

Dated: March 25, 1982.

Henry P. Misisco,

Acting Director, Office of Policy and Coordination.

[FR Doc. 82-8485 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Meeting Cancellation

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Meeting Cancellation.

SUMMARY: The scheduled public meeting on April 7-8, 1982, of the Gulf of Mexico Fishery Management Council, as published in the *Federal Register*, March 16, 1982, (Vol. 47, No. 51, page 11307), has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401

West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

E. Craig Felber,
Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82-8470 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-22-M

Harold M. Brundage III; Issuance of Permit

On February 8, 1982, Notice was published in the *Federal Register* (47 FR 5755) that an application had been filed with the National Marine Fisheries Service by Mr. Harold Brundage III, Ichthyological Associates, Inc., 100 South Cass Street, Middletown Delaware 19709 for a permit to capture, weigh, measure, tag, and release shortnose sturgeon (*Acipenser brevirostrum*) on the Delaware River and Bay; and to collect eggs and larvae from spawning areas.

Notice is hereby given that on March 24, 1982, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Scientific Purposes permit for the above taking to Mr. Harold Brundage III, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: March 24, 1982.

Richard B. Roe,
Acting Director Office of Marine Mammals and Endangered Species National Marine Fisheries Service.

[FR Doc. 82-8468 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-22-M

Reino Aventura; Issuance of Permit

On February 11, 1982, Notice was published in the *Federal Register* (47 FR 6316) that an application had been filed with the National Marine Fisheries Service by Reino Aventura of

Cuauhtemoc, Mexico, for a Permit to take three (3) Atlantic bottlenose dolphin (*Tursiops truncatus*) from Sea-Arama Marineworld of the United States for the purpose of public display.

Notice is hereby given that on March 23, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Reino Aventura, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 23, 1982.

Richard B. Roe,
Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-8468 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration Commerce.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss the National Marine Fisheries Service's disapproval of the Billfish Fishery Management Plan (FMP); review status of the final Spiny Lobster and Precious Corals FMPs; review progress of a bottomfish planning document; review and discuss FY 81 and 82 programmatic projects and budgets and conduct other fishery management business.

DATES: The public meetings will convene on Wednesday, April 14, 1982, at approximately 9 a.m., and will adjourn at approximately 5 p.m.; reconvene on Thursday, April 15, 1982, at approximately 9 a.m., and adjourn at noon.

ADDRESS: The public meetings will take place at the Rainmaker Hotel, Pago Pago, American Samoa.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street—Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

Dated: March 25, 1982.

E. Craig Felber,
Chief, Management Services Staff National Marine Fisheries Service.

[FR Doc. 82-8471 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Permitting Entry of Certain Cotton, Wool and Man-Made Fiber Textile and Apparel Products Exported From the Republic of Korea

March 24, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Permitting entry of shipments of cotton, wool and man-made fiber textile and apparel products exported from the Republic of Korea between November 4, 1981 and March 16, 1982 which are accompanied by visas or certifications for exemption signed by either Choe, Hong Geon or Noh, Jang Wooh.

SUMMARY: On March 12, 1982, a letter dated March 8, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the *Federal Register* (47 FR 10893) which announced that, effective on November 4, 1981, Jang Wooh Noh (Noh, J.W.) was the official authorized by the Government of the Republic of Korea to issue visas and certifications for exempt cotton, wool and man-made fiber textile products exported from the Republic of Korea to the United States, replacing Hong Geon Choe. The Government of the Republic of Korea has informed the Government of the United States that Hong Geon Choe has been authorized to issue visas during the period November 4, 1981 through March 16, 1982, in addition to Jang Wooh Noh. Accordingly, the letter published below from the Chairman of the Committee for the Implementation of Textile Agreements amends the directive of March 8, 1982 to permit entry of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea that have been visaed or certified for exemption by Hong Geon Choe or Jang Wooh Noh and exported during the period beginning on November 4, 1981 and extending through March 16, 1982. Visas or exempt certifications issued on and after March 17, 1982 are valid only with the signature of Jang Wooh Noh.

EFFECTIVE DATE: March 25, 1982.

FOR FURTHER INFORMATION CONTACT:

William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 24, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: This letter amends, but does not cancel, the directive of March 8, 1982, from the Chairman of the Committee for the Implementation of Textile Agreements, which authorized Jang Wooh Noh (Noh, J.W.) to issue visas and certifications for exempt cotton, wool and man-made fiber textile products exported from the Republic of Korea, effective on November 4, 1981, replacing Hong Geon Choe.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the directive of March 8, 1982 is hereby amended to permit entry of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported during the period which began on November 4, 1981 and extended through March 16, 1982 that are accompanied by visas or exempt certifications signed by either Hong Geon Choe or Jang Wooh Noh. On and after March 17, 1982, only visas and exempt certifications issued by Jang Wooh Noh (Noh, J.W.) will be valid.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-8376 Filed 3-29-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE**Corps of Engineers, Department of the Army****Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Continuing Authorities Section 205 Flood Control Project at Limestone Creek in the Village of Manlius, N.Y.**

AGENCY: U.S. Army Engineer District, Buffalo, DOD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

Proposed Action: This study is being done under the authority of Section 205 of the 1948 Flood Control Act, as amended. The proposed action and alternatives under consideration consist of about 3,100 feet of channelization and erosion protection complemented in some reaches by small levees and/or floodwalls, in order to contain design level floodwater, passing it through the floodprone area, significantly reducing potential for flood related damages.

Considered Alternative Measures: A number of flood damage reduction measures are initially being investigated in developing solutions to flood related problems. They include: (1) No-Action; (2) Nonstructural; (3) Structural; and (4) Combination Measures.

The No-Action measure implies that the Federal Government, acting through the Corps of Engineers, could take no action to provide flood damage reduction in the village of Manlius, New York. The No-Action measure serves as a base condition to which all other plans are compared.

Nonstructural measures include institutional type measures such as flood insurance and flood plain management, and measures aimed at protecting structures on an individual basis through means such as relocation or floodproofing.

Structural measures are measures significantly altering either the nature or extent of flooding. Structural measures considered include: dams and reservoirs; levees, dikes, and floodwalls; diversions; and channelization.

Combination measures incorporate combinations of both nonstructural and structural measures. Measures are incorporated by channel reach where they may be most feasible to provide maximum benefits and minimized adverse effects. The proposed action is representative of this type of measure incorporating channelization with erosion protection complemented in some reaches with small levees and/or floodwalls. Nonstructural measures may

be encouraged in some instances and in future development of flood plain areas. To date, this is indicative of the most practical and feasible alternative solution.

Scoping, Public Involvement, Issues, Review: In March 1977, in response to a letter from Representative James Hanley, personnel from the Corps of Engineers visited the village of Manlius. A reconnaissance study investigating flooding problems, Federal interest, and possible feasible protection measures commenced in April 1977. This study was completed in July 1977 and indicated a Federal interest; it recommended that investigation should continue. Continued investigation was approved in October 1979.

In New York State, the New York State Department of Environmental Conservation (NYSDEC) is designed as the local sponsor on all Section 205 flood control projects. With continued investigation, NYSDEC and affected Federal, State, regional, county, town, and village entities were invited to coordinate in the planning process. In addition, the Corps of Engineers will be coordinating with the U.S. Department of the Interior Fish and Wildlife Service, the Environmental Protection Agency, and Cultural Resources review agencies.

A reconnaissance level field trip was conducted by representatives of the Environmental Resources Branch of the Corps of Engineers and representatives from the U.S. Department of the Interior Fish and Wildlife Service (USF&WS) in November 1979. The USF&WS has since provided the Corps with planning aid letters pertaining to base line information and assessment of preliminary alternatives. Additional studies and the required Fish and Wildlife Coordination Act Report are being coordinated and scheduled. In addition, preliminary and reconnaissance level Cultural Resource studies have been completed and coordinated with the appropriate review agencies.

The Corps of Engineers planning process incorporates public meetings to invite the public to participate in the planning process and to inform them of study progress. In addition, planning, coordinations, and public workshops are held on an as needed basis. A public workshop was conducted 8 November 1979 in Manlius, New York. The main objectives of the meeting were to: (1) Provide information on the study effort and planning process; (2) To identify public concerns, problem and needs, and possible solutions; and (3) To provide a public participation forum for the study. Coordination with pertinent

planning agencies and concerned or interested groups and individuals has been ongoing since the continuation of studies. A second public meeting is scheduled in the village of Manlius on 22 April 1982. A public notice was recently mailed to local, State, and Federal interests to allow the public and opportunity to participate in the plan formulation process for this study. All concerns expressed by the public during the workshop will be addressed in the Draft Detailed Project Report and Draft Environmental Impact Statement.

Significant concerns to be analyzed in the DEIS include a determination of extent to which the selected plan and any reasonable alternatives might positively or negatively impact upon the human and natural environment. Such concerns would include consideration of fish and wildlife habitat; plants; threatened or endangered species; water and air quality; area aesthetics; flood protection; social well-being; community cohesion, growth, and development; land use; prime and unique farmland; and cultural resources.

The DEIS will be prepared and coordinated by the Corps of Engineers. It will be reviewed by Federal, State, regional, local, and individual interests in accordance with the Council on Environmental Quality's "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act" (NEPA) 40 CFR 1500-1508, as promulgated in the Corps of Engineers Regulation ER 200-2-2 "Environmental Quality: Policies and Procedures for Implementing NEPA."

Scoping Meeting: Since local, State, and Federal interests have been involved in ongoing studies of Limestone Creek in Manlius, New York, and since a public workshop was held on 8 November 1979 and a public meeting is scheduled for 22 April 1982, no scoping meeting will be held.

Availability: The Draft Environmental Impact Statement will be made available to the public on or about September 1983.

Address: Questions about the proposed action and DEIS can be answered by Mr. Tod D. Smith, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207, (716) 876-5454.

Dated March 23, 1982.

George P. Johnson,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82-8473 Filed 3-29-82; 8:45 am]

BILLING CODE 3710-GP-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale:

Contract Number S-CA-322, to Ontario Hydro, Ontario, Canada, one kilogram of uranium as uranium oxide, containing 0.2% U-235, for use in experiments on disposition behavior on metals.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than April 14, 1982.

For the Department of Energy.

Dated: March 24, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-8409 Filed 3-29-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for a supply of 25 grams of plutonium to the Central Bureau for Nuclear Measurements, Geel, Belgium. This material is to be redistributed to various research laboratories within EURATOM for use as standard reference material. Export license XSNM1737 has been issued by the U.S. Nuclear Regulatory

Commission for the export of this material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S-EU-715 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than April 14, 1982.

For the Department of Energy.

Dated: March 24, 1982.

Harold D. Bengelsdorf,

Director, Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-8410 Filed 3-29-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

Contract Number S-EU-721, to DCM Centraal Laboratorium, Geleen, Holland, 0.228 grams of natural uranium and 3 grams of thorium for use as standard reference materials.

Contract Number S-EU-722, to the Department Earth Sciences, Open University, the United Kingdom, 1 gram of uranium enriched to 49.7% in U-235, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than April 14, 1982.

For the Department of Energy.

Dated: March 24, 1982.

Harold D. Bengelsdorf,

Director, Office of International, Nuclear and Non-Proliferation Policy.

[FR Doc. 82-8411 Filed 3-29-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-253-000]

Gas Company of New Mexico; Application for Approval of Transportation Service

March 25, 1982.

Take notice that on March 19, 1982, Gas Company of New Mexico (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP82-253-000 an application pursuant to Section 284.127 of the Commission's Regulations for approval of a transportation agreement providing for the transportation of natural gas on behalf of Northwest Pipeline Corporation (Northwest) and Beker Industries Corporation (Beker), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Beker has purchased gas from Southern Union Gathering Company (Gathering Company) which gas would be made available to Beker at the outlet of Gathering Company's Kutz Gasoline Plants in San Juan County, New Mexico. It is asserted that under the terms of a March 19, 1982, gas transportation agreement between Beker, Northwest and Applicant, Applicant would receive the gas for redelivery to Northwest at a point of interconnection to be constructed in Section 13, Township 25 North, Range 10 West, San Juan County, New Mexico. It is submitted that Northwest would transport the gas to a point of interconnection with Intermountain Gas Company (Intermountain) near Soda Springs, Idaho. Intermountain would then transport the gas to Beker's Conda, Idaho, fertilizer plant, it is asserted.

It is stated that service is scheduled to commence as soon as an interconnection has been established between Applicant and Northwest and initial volumes have been tendered to Applicant by Gathering Company. Applicant explains that the service would continue through August 21, 1982, and possibly for a period thereafter.

Applicant estimates that it would transport up to 15 billion Btu of natural gas per day. For the proposed service, Applicant states it would charge a transportation rate equal to the approved rate contained in its Rate Schedule 61 on file with the New Mexico Public Service Commission.

Beker, it is asserted, has agreed to reimburse Applicant the cost of all facilities to be constructed by Applicant for the proposed service. Such facilities, it is submitted, are expected to cost

approximately \$50,000 and would be owned by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 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). 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-8412 Filed 3-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-26-002]

Natural Gas Pipeline Company of America; Filing of Tariff Sheets

March 22, 1982.

Take notice that on March 15, 1982, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective March 1, 1982:

Forty-sixth Revised Sheet No. 5
Fifth Revised Sheet No. 5C
Fifth Revised Sheet No. 5D

Natural states the purpose of the filing is to file revised rates which eliminate amounts representing estimated Btu adjustments not actually paid on or before March 1, 1982.

Natural states that on March 1, 1982, it made retroactive payments amounting to \$7.7 million to account for Btu adjustments related to Order 93-A. The \$7.7 million was reflected in Natural's January 20, 1982 PGA filing. Therefore, the tariff sheets filed on March 15, 1982 are the same as those previously filed by Natural on January 20, 1982, pursuant to Ordering Paragraph (B) of the Commission's February 26, 1982 Order.

A copy of this filing has been mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's

Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 1, 1982. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-8413 Filed 3-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-250-000]

Northwest Pipeline Corp.; Application

March 25, 1982.

Take notice that on March 19, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-250-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Beker Industries Corporation (Beker) from San Juan County, New Mexico, to Caribou County, Idaho, 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 transport on a best-effort basis up to 10,000 Mcf of natural gas per day for the account of Beker plus quantities in excess of 10,000 Mcf per day at Applicant's sole discretion. It is stated that Beker would purchase a supply of natural gas from Southern Union Gathering Company (Southern Union) at the outlet of the Kutz Gasoline Plants located in San Juan County, New Mexico. Applicant asserts that Beker would deliver its gas to Gas Company of New Mexico (GCNM), a Division of Southern Union Company, at the outlet of the Kutz Gasoline Plants. From the plant outlets, GCNM would transport the subject gas to a point of interconnection with the gathering facilities of Applicant in Section 13, Township 25 North, Range 10 West, San Juan County, New Mexico, it is submitted. Applicant explains that from this interconnection it would transport the gas through its San Juan Gathering System to a point on its mainline transmission system near Ignacio, Colorado, and then through its mainline for redelivery for Beker's account at Applicant's existing Soda Springs delivery point to Intermountain Gas

Company (Intermountain) located in Section 12, Township 9 South, Range 41 East, Caribou County, Idaho. It is averred that Intermountain would then use its existing distribution facilities to deliver the subject gas to Beker's plant at Conda, Idaho.

Applicant asserts that volumes delivered by Applicant to Intermountain for Beker's account would be thermally equivalent to volumes received from Beker at the Kutz Gasoline Plants reduced by Beker's share of operational fuel and lost or unaccounted for gas used in gathering and transporting the subject gas. Fuel gas reimbursements to be provided in kind by Beker would include any fuel or losses associated with the use of GCNM's facilities to transport Beker's gas to Applicant's San Juan Gathering System plus Applicant's San Juan gathering fuel and mainline transmission fuel calculated in accordance with the rates set forth on Sheets 2 and 2-B of Applicant's FERC Gas Tariff, Original Volume No. 2, it is stated. Applicant explains that its tariff currently provides for San Juan gathering fuel to be reimbursed at the rate of 1.91 percent of volumes gathered and mainline transmission fuel to be reimbursed at the rate of 1.0 percent of volumes received for transportation.

It is averred that Beker entered into a gas gathering and transportation agreement with Applicant on March 9, 1982, to provide for transportation of its gas from the Kutz Gasoline Plants to the Soda Springs delivery point to Intermountain. Applicant also asserts that to provide for transportation of Beker's gas by GCNM, Applicant, and Beker entered into a gas transportation agreement on March 18, 1982. Applicant explains that both agreements are effective until August 31, 1982, and month to month thereafter for a total term not to exceed 2 years subject to termination.

Applicant states that for all volumes of gas transported and redelivered to Beker by Applicant Beker would pay Applicant the the effective mainline transportation rate set forth on Sheet No. 2 Applicant's FERC Gas Tariff, Original Volume No. 2 which is currently 1.34 cents per million Btu per hundred miles transported. It is submitted that for each million Btu of gas received into its San Juan Gathering System for Beker's account Applicant would charge Beker at Applicant's gathering rate per million Btu for the San Juan Area. It is stated that this rate is presently 33.34 cents per million Btu.

Applicant asserts that until such time as the revenues attributable to the proposed transportation service are credited in arriving at a test period cost

of service in a major rate filing by Applicant the jurisdictional portion of all revenues received with offsets for any out-of-pocket expenses incurred would be credited to Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant submits that the use of the gas proposed to be transported qualifies as essential agricultural use. Furthermore, Applicant asserts that the proposed transportation service would not significantly alter its system operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 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. 82-8414 Filed 3-29-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL 2086-7]

Issuance of a Prevention of Significant Deterioration (PSD) Permit to Aluminum Co. of America and to Northwest Alaska Pipeline Co.

Notice is hereby given that on March 12, 1982, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to the Aluminum Company of America for approval to modify aluminum production facilities at Wenatchee, Washington, and to the Northwest Alaskan Pipeline Company for approval to construct a gas conditioning facility at Prudhoe Bay, Alaska.

These permits have been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations, subject to certain conditions specified in the permits.

Under section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. 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.

Copies of the permits are available for public inspection upon request at the following location.

EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 524, Seattle, Washington 98101

Dated: March 12, 1982.

John R. Spencer,
Regional Administrator.

[FR Doc. 82-8373 Filed 3-29-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1339]

Petitions for Reconsideration of Actions in Rule Making Proceedings

March 22, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (North Charleston, Eastover and Ravenel, South Carolina) (BC Docket No. 80-201, RM's 3249 & 3710).

Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Elloree, South Carolina). (BC Docket No. 80-211, RM-3579).

Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Mount Pleasant, Parris Island, Manning, Bamberg, and Batesburg, South Carolina). (BC Docket No. 80-213, RM's 3406, 3718 & 3719).

Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Johnston, Leesville, Winnsboro Mills, Saluda, Union, and Batesburg, South Carolina). (BC Docket No. 81-171, RM's 3518, 3556, 3613, 3666 & 3771).

Filed by: Roy F. Perkins, Jr., Attorney for William K. Durst on 3-15-82.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Hudson and Adrian, Michigan, and Swanton, Ohio). (BC Docket No. 80-476, RM's 3801 & 3801).

Filed by: Howard M. Liberman, Attorney for Defiance Broadcasting Company on 3-5-82.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[FR Doc. 82-8417 Filed 3-29-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 78-97; Transmittals Nos. 7346 & 7691]

The Western Union Telegraph Co.; Revisions to Tariffs FCC Nos. 240, 252, 258, 260, 263 and 269—Restructuring of Telex and TWX Services

Adopted: March 11, 1982.

Released: March 23, 1982.

1. Before the Commission are (1) applications for review of an order of the Acting Chief, Common Carrier Bureau, (*Western Union Telegraph Co.*, Mimeo No. 000522, released April 30, 1981) filed by Western Union and RCA Global Communications, Inc. (RCA Globcom);¹ (2) a petition for reconsideration of the same order filed by ITT Worldcom;² (3) a motion by ITT

¹ TRT Telecommunications Corporation (TRT), RCA Globcom, Western Union International, Inc. (WUI) and ITT World Communications, Inc. (ITT Worldcom) have filed oppositions to Western Union's application for review. Western Union has also filed an opposition to RCA Globcom's application.

² In the case of ITT Worldcom's petition, Western Union and the separated Trial Staff of the Common Carrier Bureau have filed oppositions and RCA Globcom has filed reply comments. As provided in § 1.106(a) of the Commission's Rules, 47 CFR

Worldcom seeking rescission of the presiding Administrative Law Judge's (ALJ) interim prescription order in Docket No. 78-97 (*Telex/TWX Investigation*);³ and (4) a motion by Western Union seeking termination of Phase II of the *Telex/TWX Investigation*.⁴

2. The Bureau's April 30 order denied petitions to reject or suspend distance insensitive or "postalized" Telex and TWX rates proposed by Western Union, thereby allowing them to become effective. However, because the ongoing *Telex/TWX Investigation* includes issues bearing on the new rates and encompasses "any cancellations, amendments, or reissues" of Western Union's Telex and TWX tariffs,⁵ the Bureau's order went on to incorporate the postalized rates into that proceeding and to provide for investigation of the structure of the postalized rates at the discretion of the ALJ. In seeking review of the Bureau's order, Western Union

1.106(a), reconsideration of actions taken pursuant to delegated authority may be acted upon by the designated authority or referred to the Commission. Because the petition raises issues closely related to those addressed by the other pleadings, we have determined to dispose of all of the pleadings here.

³ The interim rates, applicable to Telex and TWX services provided to the international record carriers (IRCs) in connection with their own outbound record services, were prescribed in *Western Union Telegraph Co.*, FCC 79M-845 (released July 24, 1979), application for review dismissed, *Western Union Telegraph Co.*, FCC 79-812 (released December 13, 1979). As part of its motion, ITT Worldcom also requests enlargement of the issues in Docket No. 78-97 to examine the circumstances of Western Union's alleged failure to disclose three in-house studies performed in 1977 concerning its returns on investment for Telex and TWX services. See paragraph 13, *infra*.

⁴ This motion was filed on December 29, 1981. Phase II of the investigation, which is now under way, deals with the postalized tariff rates. (Phase I concerned Telex and TWX rates prior to postalization and on March 11, 1982 the ALJ released his Initial Decision (FCC 82D-14) in this phase). In support of the motion, Western Union cites the Commission's recent order authorizing all IRCs to provide competitive, wholly domestic record service. See, *RCA Global Communications, Inc.*, FCC 81-577 (released January 11, 1982). In Western Union's opinion, that authorization entirely transforms the market structure for record services and, accordingly, renders futile the continuation of Phase II which is predicated on the market structure prior to IRC competition. Because Western Union's motion to terminate relates to issues being considered in the instant matter, we shall dispose of it here. In a joint opposition, FTC Communications Inc., ITT Worldcom, RCA Globcom, TRT and WUI contend that Western Union's motion is premature, i.e., that it remains to be seen whether or not the IRC's entry into the domestic market will substantially affect Western Union's pricing and market behavior, and fails address the issues in Phase II concerning Telex and TWX rates in effect from April 1981 to the present. The Separated Trial Staff of the Common Carrier Bureau has filed comments.

⁵ See, *Western Union Telegraph Co.*, 67 FCC 2d 1420, 425-1426 (1978) (*Public Telex/TWX Order*) and *Western Union Telegraph Co.*, 68 FCC 2d 98, 123-124 (1978) (*IRC Telex/TWX Order*).

suggests two different procedural routes to reach the same objective. It asks that we reverse the Bureau's decision to allow the ALJ this discretion; alternatively, it would have us delete from Docket No. 78-97 those issues concerning the lawfulness of the structure of the postalized rates. By contrast, RCA Globcom seeks mandatory investigation of this structure. For reasons to be explained, we shall grant Western Union's application for review, but all other requests for relief shall be denied.

Background

3. The *Telex/TWX Investigation* was instituted in March 1978 to investigate proposed rate revisions for public domestic usage of Telex and TWX services filed by Western Union in December 1977. Generally, the carrier proposed to increase short-haul rates and decrease long-haul rates. 67 FCC 2d 1420 (1978). Our concern was that the proposed rates would result in excessive Telex and TWX rates of return, which in turn could be used to cross-subsidize losses or deficient returns on other Western Union services. We also questioned the reasonableness of the cost allocation procedures used by Western Union. Subsequently, upon termination in December 1977 of agreements between Western Union and the IRCs covering the division of charges for jointly provided overseas Telex and TWX services, Western Union filed proposed tariffs under which the IRCs would pay for the domestic portion of overseas traffic at rates equal to full public domestic rates. In response to IRC petitions against that tariff proposal, the Commission expanded the investigation to include Telex and TWX rates applicable to the IRCs.⁶ It also subsequently delegated authority to the ALJ to prescribe an interim division of Telex and TWX charges for outbound IRC traffic under former section 222(e) of the Communications Act, 47 U.S.C. 222(e) (1979).⁷ After efforts to urge Western Union and the IRCs to negotiate a settlement agreement proved unsuccessful, the ALJ prescribed interim charges for the IRCs equal to those paid by non-carrier customers and provided for refunds to the IRCs in the event that the interim charges were found to be unreasonably high at the conclusion of the investigation.

4. The revisions at issue here principally provide for postalized usage rates for Telex, TWX and associated

⁶ 68 FCC 2d 98 (1978).

⁷ *Western Union Telegraph Co.*, 71 FCC 2d 621, 630-31 (1979).

services. Overall usage rate levels are decreased, while charges for providing both "local" and "remote" access to the interexchange Telex and TWX networks are increased. In addition, Western Union proposed the expansion of its exchange city service locations, (i.e. locations where Western Union maintains a terminating device and only "local" access charges are applied), from 300 to 1600 in the case of Telex and from 600 to 1600 in the case of TWX. In support of its filing, Western Union cited the initial utilization of its Digital Exchange System (DES) network as the basis for Telex and TWX rate structures. According to Western Union, this network, a combination of four separately located computerized switches connected via satellite links, eliminates distance as a significant factor in the cost of providing interexchange Telex and TWX services.

5. As indicated, the Bureau allowed the postalized rates to take effect, subject to the ultimate resolution of the *Telex/TWX Investigation*. Significantly, it found unconvincing petitioners' allegations that the tariff revisions were unreasonably discriminatory and anticompetitive. In addition, the Bureau saw no merit in the argument that Western Union's support data for its DES-based rate structure was inadequate, particularly in view of a statement of RCA Globcom that the postalized rate structure "probably most accurately mirrors relevant costs." (Mimeo No. 000522, paragraph 25.)

Discussion

Applications for Review

6. In calling for deletion of the issues concerning the lawfulness of the currently effective postalized Telex and TWX rate structure, Western Union contends that investigation of this structure would waste resources by requiring the record to be reopened and would, moreover, be inconsistent with the findings in the order below. For its part, RCA Globcom takes issue with the Bureau's decision to leave examination of the postalized rate structure to the discretion of the ALJ. In its view, the Bureau should have ordered mandatory investigation of the postalized rates on the theory that alleged cost savings to Western Union associated with the provision of service to other carriers necessitates a lower or discounted usage rate for other carriers. RCA Globcom would bolster this contention through reference to the varying levels of returns shown in ITT Worldcom exhibits received in evidence in Docket No. 78-97. See paragraph 10, *infra*.

7. As is by now apparent, neither applicant alleges that the Bureau erred in carrying out the original directive of the designation order in Docket No. 78-97 to require incorporation of any future Telex or TWX rate revisions into the ongoing investigation, particularly as they might relate to the cross-subsidization and rate of return issues.⁸ The gravamen of Western Union's application is that the structure should not be investigated because the Bureau found that petitioners had raised no substantial issues as to the lawfulness of postalization *per se*. Moreover, we note, the Bureau did not voice specific concerns of its own over the postalized rate structure.

8. Instead, it appears that the Bureau delegated the investigation of the postalized structure to the ALJ's discretion wholly in deference to the fact that he had been conducting hearings on Telex/TWX rate structure issues since 1978. It assumed that he would thus be in the best position to ascertain whether there was a need to take evidence on the latest structure to conclude the investigation. However, given the Bureau's additional determination that there were no specific structure-related issues raised by Western Union's postalized tariff filing, we believe the Bureau erred in nonetheless authorizing the ALJ to investigate that structure as a matter of his discretion. Because it determined that no structural issues warranted investigation, the Bureau should not have included such issues in the hearing at the discretion of the ALJ. Thus, we shall grant Western Union's application for review to the extent it seeks to exclude from Docket No. 78-97 questions concerning the postalized Telex/TWX rate structure.⁹

9. This brings us to RCA Globcom's application for review seeking mandatory investigation of the postalized tariffs. The concern here appears to be that the ALJ, in his discretion, may decide not to examine certain aspects of the postalized tariffs, particularly whether it is reasonable for Western Union to charge the IRCs and other customer classes the same rates for Telex and TWX services, i.e., rate averaging. We find RCA Globcom's fears to be unfounded. As our order instituting this investigation makes clear, this question is specifically designated as an issue to be resolved in

Docket No. 78-97.¹⁰ As explained above, we do not disturb that designation and our order here removes only the structural issues related to postalization. Accordingly, we shall deny RCA Globcom's application.

ITT Worldcom's Petition for Reconsideration

10. Although it, too, does not allege error in the Bureau's order, ITT Worldcom contends that reconsideration is necessary because of newly discovered evidence. Specifically, ITT Worldcom relies on two exhibits (ITT Worldcom Exhibits Nos. 42 and 45) admitted into evidence in Docket No. 78-97 which contain three studies on Telex and TWX rates of return performed by Western Union in 1977 but allegedly not disclosed by Western Union until April 1981. These studies are said to show returns on IRC Telex and TWX usage to be higher than returns on intrastate and interstate Telex and TWX usage, and to establish that substantial costs are saved by Western Union in handling IRC traffic, as opposed to public domestic traffic. Therefore, the argument runs, it is unreasonable for Western Union to charge IRCs as much as other customers for Telex and TWX services. On the basis of this new information, ITT Worldcom asserts that the order below should be reversed and the postalized tariffs rejected or suspended.

11. We cannot agree. As stated, the rate averaging issue on which this information is said to bear is still under investigation in Docket No. 78-97. Until final disposition of this matter, we see no reason to reconsider the Bureau's decision. In any event, pending the outcome of the *Telex/TWX Investigation*, the accounting order imposed upon Western Union will adequately protect the IRCs in the event the rates they pay are ultimately found to be unreasonably high. We, therefore, shall deny the petition of ITT Worldcom.

ITT Worldcom's Motion

12. This brings us to the ITT Worldcom's request that we vacate the interim prescription and require Western Union to refund with interest any monies collected pursuant to that prescription. ITT Worldcom contends that this relief is the minimum that

⁸ Although RCA Globcom implies that the Bureau erred in not rejecting or suspending the postalized tariffs, it offers no substantive reasons for this claim.

⁹ In view of this action, we shall dismiss Western Union's alternative motion to delete issues as moot.

¹⁰ Specifically, the Commission set for investigation the issue of "whether any cost differences (between providing Telex and TWX services to IRCs and domestic public users) found to exist are of such a magnitude as to render unreasonable [Western Union's] practice of averaging these costs over its public and IRC customers." See 68 FCC 2d at 123.

should be ordered to rectify the harm caused by Western Union's alleged deliberate withholding of the rate of return evidence. The instant motion is by no means the first challenge to the ALJ's interim prescription order to come before the Commission. In *Western Union Telegraph Co.*, FCC 79-812 (released December 13, 1979), the Commission dismissed for procedural reasons an application for review of the ALJ's order filed jointly by ITT Worldcom, RCA Globcom, WUL, and TRT.¹¹ In that order, we noted that the ALJ's prescription provides for refunds in the event the final prescription is lower than those rates prescribed pending the final outcome of the investigation. Thus we found that the IRCs are protected during the interim period, and that the interim order is simply a means of stabilizing the relationship between Western Union and the IRCs until all the issues can be fully explored. That reasoning seems equally pertinent here, and accordingly, we see no basis to set aside the interim prescription at this juncture.

13. ITT Worldcom also requests that we enlarge the issues in Docket No. 78-97 to determine the circumstances of Western Union's failure to disclose its 1977 studies, including, but not limited to, any anticompetitive motivation on the part of Western Union. Under Section 1.229 of our Rules, 47 CFR 1.229, motions to enlarge an investigation must contain specific allegations of fact sufficient to support the action requested. In our view, ITT Worldcom has failed to meet this standard. It provides no real support but merely speculates that Western Union withheld this evidence deliberately. Under these circumstances, such long-range expansion of an already protracted proceeding is not warranted,¹² particularly, where, as here, we have provided for an accounting order sufficient to protect the IRCs pending the ALJ's determination on Western

Union's rate averaging practices. Thus we deny ITT Worldcom's motion in its entirety.

Western Union's Motion

14. Finally, as noted above, Western Union seeks termination of Phase II of the *Telex/TWX Investigation*, arguing that IRC competition in the domestic record services market will "render conventional rate-base regulation unnecessary and virtually impossible" and so change the structure of that market that continuation of the investigation is futile. We emphasize, however, that the postalized rate levels are still subject to investigation in Docket No. 78-97, particularly as they bear on the rate of return and rate averaging issues. As noted, these issues are the primary focus of this investigation. While the Commission has now authorized the IRCs to enter the domestic record market, the impact of this entry on Western Union's current position in providing Telex and TWX services is still unclear. In other words, domestic competition by the IRCs does not in our view automatically moot these issues. For this reason, Western Union's December 29 motion seeking to exclude all issues concerning the postalized rates from Docket No. 78-97 is denied.¹³

15. Accordingly, it is ordered, That the application for review filed by The Western Union Telegraph Company is granted to the extent indicated and is otherwise denied.

16. It is further ordered, That the application for review filed by RCA Global Communications, Inc. is denied.

17. It is further ordered, That the alternative motion to delete issues filed by The Western Union Telegraph Company is dismissed.

18. It is further ordered, That the motion to terminate Phase II of the *Telex/TWX Investigation*, Docket No. 78-97, filed by The Western Union Telegraph Company is denied.

19. It is further ordered, That the petition for reconsideration filed by ITT World Communications, Inc. is denied.

¹¹ We point out, however, that pursuant to an appeal, filed jointly by Western Union and several IRCs, the Commission recently granted a request for deferral of the hearing in Docket No. 78-97 until thirty days following the execution of an interconnection agreement by all record carriers or, in the absence of such agreement, the issuance by the Commission of an interim of final order setting out terms and conditions for interconnection among these carriers. This agreement or Commission order is required by section 222(c)(3) of the Communications Act, as amended by the Record Carrier Competition Act of 1981, Pub. L. 97-130, 95 Stat. 1687, enacted December 29, 1981. See, *Western Union Telegraph Co.*, FCC 82-91 (released February 18, 1982). Once the hearing in Phase II resumes, we expect the ALJ to expedite its resolution.

20. It is further ordered, That the motion to enlarge issues and for rescission of interim prescription filed by ITT World Communications, Inc. is denied.

21. It is further ordered, That the Secretary shall cause this Memorandum Opinion and Order to be published in the Federal Register.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-8416 Filed 3-29-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0382]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: 1982 Fee Schedules for Wire Transfer and Net Settlement Services.

SUMMARY: The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) requires that schedules of fees be established for Federal Reserve Bank services. The Board proposed revisions to the 1981 fee schedule for wire transfer and net settlement services on January 7, 1982. The Board has now adopted a new fee structure and prices for these services.

EFFECTIVE DATE: April 29, 1982.

FOR FURTHER INFORMATION CONTACT: Lorin S. Meeder, Associate Director for Federal Reserve Bank Operations (202/452-2738); Earl G. Hamilton, Assistant Director for Federal Reserve Bank Operations (202/452-3879); Elliott C. McEntee, Assistant Director for Federal Reserve Bank Operations (202/452-2231); Daniel L. Rhoads, Attorney (202/452-3711); Robert G. Ballen, Attorney (202/452-3265).

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 ("Act") requires that fee schedules be developed for Federal Reserve Bank services based on pricing principles established by the Board. The Board, in accordance with the requirements of the Act, published for comment proposed pricing principles and fee schedules for services on August 28, 1980 (45 FR 58689). On December 30, 1980, after considering the comments received from the public, the Board adopted revised pricing principles and fee schedules for wire transfer and net settlement services (46 FR 1338). The wire transfer and net settlement fee schedules were effective January 29, 1981. The 1981 fee schedule for the wire transfer service provided for a basic

¹¹ The petition was dismissed, pursuant to 47 CFR 1.301(b) for failure to obtain prior permission from the presiding officer to file an appeal from an interlocutory ruling.

¹² We note in passing that in scheduling a hearing to consider the relevance of this "newly discovered" evidence with respect to, *inter alia*, the prescription issue, the ALJ raised the possibility that Western Union had been abusing the Commission's processes in failing to provide the data at an earlier date. See, *Western Union Telegraph Co.*, FCC 81M-1389 (released May 4, 1981) at paragraph 7. The ALJ also stated that he expected the Trial Staff to further investigate these questions and file a motion to enlarge the investigation if appropriate. In its pleading in this matter, the Trial Staff states that this investigation has been conducted and has declined to file such a motion. And, in fact, the Trial Staff opposed the instant motion of ITT Worldcom.

origination charge of \$0.80 per origination plus a \$2.70 surcharge for off-line origination and a \$1.80 surcharge for telephone advice, when requested. A charge of \$1.80 for telephone advice to off-line receivers became effective March 26, 1981. The net settlement fee schedule paralleled the fee schedule for wire transfers with a basic settlement charge of \$0.80 per settlement entry and a surcharge of \$2.70 when the settlement is originated off-line. A surcharge of \$1.80 was established where telephone advice was requested.

The Board published for comment a new fee structure and new prices for wire transfer and net settlement services to be implemented in 1982 on January 7, 1982 (47 FR 2790). The proposed 1982 fee schedule for the wire transfer service provided for a basic charge of \$0.65 per transfer on both the originator and the receiver of a wire transfer, a \$0.15 surcharge per interdistrict transfer on the originator, a \$3.50 surcharge for off-line origination, and a \$2.25 surcharge for telephone advice, when requested. The proposed 1982 fee schedule for the net settlement service provided for a basic charge of \$1.30 per intradistrict settlement entry or \$1.45 per interdistrict entry, plus a \$5.00 surcharge per off-line settlement and a \$2.25 surcharge for telephone advice, when requested.

The Act requires that "[o]ver the long run, fees shall be established on the basis of all direct and indirect costs actually incurred in providing the Federal Reserve services priced * * * except that the pricing principles shall give due regard to competitive factors and the provision of an adequate level of such services nationwide." The Act also requires that fees for Federal Reserve services take into account "the taxes that would have been paid and the return on capital that would have been provided had the services been furnished by a private business firm." This markup is referred to as the private sector adjustment factor (PSAF). In establishing 1981 prices for Federal Reserve services, the Board used a private sector adjustment factor of 16 percent based on methodology explained in the Board's announcement of December 31, 1980. At that time, the Board stated that it would review the PSAF annually and would adjust it as appropriate. Using a methodology substantially similar to that used to derive the 1981 PSAF, the Board adopted a private sector adjustment factor on January 7, 1982 of 16 percent to be used in developing 1982 fee schedules for priced Federal Reserve services. This PSAF of 16 percent was used to develop

the 1982 fee schedules for wire transfer and net settlement services.

The 1982 fees for the wire transfer services reflect estimated 1982 costs of providing the service plus a 16 percent PSAF. In general, 1982 wire transfer fees will increase from 1981 fees. Additionally, the 1982 fee schedule for the wire transfer service reflects the following structural change from the 1981 fee schedule.

The Board proposed to charge both the originator and the receiver for each wire transfer of funds. Respondents were generally opposed to the proposal because they believe that the originator, not the receiver, generally makes the decision to use the Federal Reserve's wire transfer service. Furthermore, respondents noted that two private networks charge only the sender, and that it would be costly for users of the Federal Reserve's service to change their internal operations to accommodate this fee structure. After consideration of the comments received, the Board has adopted the proposal to charge both the originator and the receiver for each wire transfer. The Board believes that imposition of a charge on receivers is appropriate since receivers benefit from the Federal Reserve's wire transfer service in the form of immediate availability and irrevocability of funds transferred by wire. Additionally, receivers may have input into the decision to use the Federal Reserve wire transfer service to transfer funds, such as by requesting that senders use the Federal Reserve's service. Further, correspondent banks may charge both parties involved in the transfer, and CHIPS, the private network that provides wire transfer services that are fairly comparable to the Federal Reserve's wire transfer service, charges both the originator and the receiver of a funds transfer. The Federal Reserve's charge for receivers is based on an even sharing between receivers and originators of the Reserve Banks' costs plus PSAF in providing basic wire transactions.

The Board also proposed a surcharge for interdistrict wire transfers. Respondents generally opposed this proposal because, in their opinion, the surcharge would be arbitrary since it is based upon Federal Reserve District boundaries that are arbitrary. Respondents also stated that the surcharge would be inconsistent with the principal of dividing the basic fee equally between the originator and the receiver because it would be imposed only upon the originator. Furthermore, respondents believed that the surcharge would regionalize the wire transfer

service by penalizing institutions for making interdistrict transfers, no other wire service imposes such a fee, customers of banks most likely would not understand the variation in fees between intradistrict and interdistrict transfers, and the surcharge will cause users of the Federal Reserve wire transfer service substantial expense in making the requisite adjustments to their accounting and record keeping systems. Upon consideration of these comments, the Board has decided not to adopt the proposed surcharge for interdistrict transfers.

The fee structure adopted by the Board for the Federal Reserve's wire transfer service for 1982 is as follows:

- (1) Originator pays \$0.65 per transfer.
- (2) Receiver pays \$0.65 per transfer.
- (3) Surcharges for off-line origination and telephone advice will be \$3.50 and \$2.25, respectively

The 1981 fee schedule for the net settlement service paralleled the 1981 fee schedule for the wire transfer service. The Board believes it is appropriate to separate the fee schedules for these two services in recognition of the fact that these services create different rights and responsibilities for the System and its customers. The Board proposed the following 1982 fee schedule for the net settlement service:

- (1) \$1.30 per intradistrict settlement entry or \$1.45 per interdistrict entry, plus
- (2) \$5.00 per off-line settlement, plus
- (3) \$2.25 per telephone advice (if requested).

The Board has determined not to adopt the proposed higher price for the interdistrict settlements. The Board believes that the rationale for not adopting a surcharge on interdistrict wire transfers is applicable to interdistrict net settlements. Otherwise, the Board has determined to adopt the fee schedule for the net settle service as proposed. This 1982 fee schedule is based on estimated 1982 costs of providing the service plus a 16 percent PSAF. The Board has also determined to allow Reserve Banks to negotiate higher fees for those net settlement arrangements that create unique or unusual expenses, subject to review.

The fee structure adopted by the Board for the Federal Reserve's net settlement service for 1982 is as follows:

- (1) \$1.30 per settlement entry, plus
- (2) \$5.00 per off-line settlement, plus
- (3) \$2.25 per telephone advice (if requested).

By order of the Board of Governors of the Federal Reserve System, March 24, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-8377 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

American Bancorporation Holding Co.; Formation of Bank Holding Company

American Bancorporation Holding Company, Brainerd, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of American National Bank of Brainerd, Brainerd, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 23, 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 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8378 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Barnett Banks of Florida, Inc.; Proposed Acquisition of First State Mortgage Company

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire indirectly, through its wholly owned subsidiary, Barnett Mortgage Company, Jacksonville, Florida, voting shares of First State Mortgage Company, Altamonte Springs, Florida.

Applicant states that the proposed subsidiary would engage in originating, servicing and marketing single-family residential mortgage loans. These activities would be performed from offices of Applicant's subsidiary in Altamonte Springs, Florida, and the geographic areas to be served are

Seminole and Orange Counties, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than April 22, 1982.

Board of Governors of the Federal Reserve System, March 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8390 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Boatmen's Bancshares, Inc.; Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Missouri, 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 80 per cent or more of the voting shares of Farmers and Merchants Bank, Cape Girardeau, Missouri. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 22, 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 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8391 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Calumet City Bancorp., Inc.; Formation of Bank Holding Company

Calumet City Bancorp., Inc., Calumet City, Illinois, 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 100 per cent of the voting shares of First State Bank of Calumet City, Calumet City, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 14, 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 24, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-8392 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Cameron Bancshares, Inc.; Formation of Bank Holding Company

Cameron Bancshares, Inc., Cameron, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Cameron State Bank, Cameron, Louisiana. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be

received not later than April 23, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8393 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Columbia Bancshares, Inc.; Formation of Bank Holding Company

Columbia Bancshares, Inc., West Columbia, Texas, 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 100 per cent of the voting shares of the successor by merger to First Capitol Bank, West Columbia, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 23, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8394 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

First American Bank Corp.; Acquisition of Bank

First American Bank Corporation, Kalamazoo, Michigan, 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 100 per cent of the voting shares of the successor by merger to Huron County Bank, Harbor Beach, Michigan. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 23, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8396 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

First Bancshares of Texas, Inc.; Acquisition of Bank

First Bancshares of Texas, Inc., Longview, Texas, 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 100 per cent of the voting shares of Bank of Longview, National Association, Longview, Texas, a proposed new bank. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 26, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8397 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

First City Bancshares, Inc.; Formation of Bank Holding Company

First City Bancshares, Inc., Dixon,

Illinois, 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 100 per cent of the voting shares of City Bank and Trust Company, Dixon, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 16, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8398 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

First Midwest Bancorp, Inc.; Acquisition of Bank

First Midwest Bancorp, Inc., St. Joseph, Missouri, 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 93.1 per cent of the voting shares of The Merchants and Farmers Bank of Salisbury, Salisbury, Missouri. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 23, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-6379 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

FN Bancorp; Formation of Bank Holding Company

FN Bancorp, Warsaw, Indiana, 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 100 percent of the voting shares of First National Bank of Warsaw, Warsaw, Indiana. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 26, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-6395 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Huntington Bancshares Inc.; Formation of Bank Holding Company

Huntington Bancshares Incorporated, Columbus, Ohio, 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 100 per cent of the voting shares of Union Commerce Corporation, Cleveland, Ohio, and thereby to acquire indirectly the following banking subsidiaries of Union Commerce; Union Commerce Bank, Cleveland, Ohio; The Southern Ohio Bank, Cincinnati, Ohio; The Port Clinton National Bank, Port Clinton, Ohio; and The First National Bank of Nelsonville, Nelsonville, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Huntington Bancshares Incorporated has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and

§ 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire indirectly voting shares of Union Commerce Leasing Corporation and Union Capital Management Corporation, both of Cleveland, Ohio.

Applicant states that the proposed subsidiaries would engage in the activities of full payout leasing and providing portfolio investment advice, respectively. These activities would be performed from offices in Cleveland, Ohio, and the geographic areas to be served by the leasing company are Ohio, western Pennsylvania, California and Texas; and by the investment advising company is Cleveland, Ohio. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than April 20, 1982.

Board of Governors of the Federal Reserve System, March 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-6380 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Latham Bancshares, Inc.; Formation of Bank Holding Company

Latham Bancshares, Inc., Tipton, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or

more of the voting shares of Bank of Latham, Latham, Missouri. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 22, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-6384 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover International Banking Corp.; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Manufacturers Hanover International Banking Corporation, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulations K (12 CFR 211.4(c)(1)), to establish a branch in San Francisco, California. Manufacturers Hanover International Banking Corporation operates as a subsidiary of Manufacturers Hanover Trust Company, New York, New York.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 23, 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, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8381 Filed 3-29-82; 8:45 am]
BILLING CODE 6210-01-M

Mark Twain Bancshares, Inc.; Acquisition of Bank

Mark Twain Bancshares, Inc., St. Louis, Missouri, 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 100 per cent or more of the voting shares of Mark Twain Stadium Bank, N.A., St. Louis, Missouri, a proposed new bank. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 23, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8385 Filed 3-29-82; 8:45 am]
BILLING CODE 6210-01-M

Montana Bancsystem, Inc.; Acquisition of Bank

Montana Bancsystem, Inc., Billings, Montana, 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 80 per cent or more of the voting shares of Montana Bank of Billings, Billings, Montana. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 26, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8386 Filed 3-29-82; 8:45 am]
BILLING CODE 6210-01-M

Murdock Bancshares, Inc.; Formation of Bank Holding Company

Murdock Bancshares, Inc., Murdock, 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 91.3 per cent or more of the voting shares of Murdock State Bank, Murdock, 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 23, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8387 Filed 3-29-82; 8:45 am]
BILLING CODE 6210-01-M

Our Bancshares, Inc.; Formation of Bank Holding Company

Our Bancshares, Inc., Booker, Texas, 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 100 per cent of the voting shares of First Bank & Trust Co., Booker, Texas. 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 Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 23, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8388 Filed 3-29-82; 8:45 am]
BILLING CODE 6210-01-M

Peoples Banking Co. of Cecil Co.; Formation of Bank Holding Company

Peoples Banking Co. of Cecil Co., Elkton, Maryland, 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 100 per cent of the voting shares of The Peoples Bank of Elkton, Elkton, Maryland. 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 Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 26, 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 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-8382 Filed 3-29-82; 8:45 am]
BILLING CODE 6210-01-M

RepublicBank Dallas, N.A.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act and Establishment of U.S. Branch of a Corporation Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as RepublicBank Dallas International, Dallas, Texas. RepublicBank Dallas International would operate as a

subsidiary of RepublicBank Dallas, N.A., Dallas, Texas. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1) to establish a branch in New York, New York. The factors that are considered in acting on the applications are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 23, 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, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-6383 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

Tennessee National Bancshares, Inc.; Proposed Acquisition of Professional Leasing, Inc.

Tennessee National Bancshares, Inc., Maryville, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Professional Leasing, Inc., Knoxville, Tennessee.

Applicant states that the proposed subsidiary would engage in the activities of serving as agent, broker or advisor in the leasing of real and personal property where such leases serve as the functional equivalent to an extension of credit. These activities would be performed from offices of Applicant's subsidiary in Knoxville, Tennessee, and the geographic areas to be served are Eastern and Middle Tennessee, specifically including Knoxville, Nashville, Kingsport and Johnson City, Tennessee. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their

views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than April 23, 1982.

Board of Governors of the Federal Reserve System, March 24, 1982.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 82-6389 Filed 3-29-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

[E-82-12]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving natural gas rates, Docket No. 1710.

2. *Effective date.* This delegation is effective immediately.

3. Delegation.

a. Pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission

involving the petition of the Gas Company of New Mexico for an increase in natural gas rates, Docket No. 1710.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: March 17, 1982.

Allan W. Beres,
Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-6418 Filed 3-29-82; 8:45 am]

BILLING CODE 6820-AM-M

[Intervention Notice 146]

Texas Power & Light Co., Public Utility Commission of Texas; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Public Utility Commission of Texas concerning the application of the Texas Power and Light Company for an increase in its electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to John J. Stanberry, Assistant Commissioner, Office of Public Utilities, Transportation and Public Utilities Service, General Services Administration, Washington, D.C. (mailing address: General Services Administration (TU), Washington, D.C. 20406), 202-275-1027 on or before April 29, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: March 18, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82-8478 Filed 3-29-82; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Scientific Professional Organization Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming meeting with scientific professional organizations to be chaired by Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs.

DATE: The meeting will be held at 3 p.m., Wednesday, April 14, 1982.

ADDRESS: The meeting will be held at the Uniformed Services University of the Health Sciences, Rm. B, Bldg. A (1st floor), 4301 Jones Bridge Rd., Bethesda, MD.

FOR FURTHER INFORMATION CONTACT:

Audrey L. Wood, Office of Health Affairs (HFY-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs meets periodically with executives of scientific professional organizations to share mutual concerns and facilitate dissemination of FDA proposals and decisions affecting the country's health care. The agenda items for discussion at the meeting include updates of key agency issues and a presentation with discussion of the scientific and regulatory issues concerning the toxicity of FDA/regulated products.

Dated: March 24, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-8399 Filed 3-25-82; 11:24 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0055]

Uniroyal Chemical; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Uniroyal Chemical has filed a petition proposing that the food additive

regulations be amended to provide for the safe use of 2,2'-oxamido bis[ethyl 3-(3,5-di-*tert*-butyl-4-hydroxyphenyl)-propionate] as an antioxidant and/or stabilizer in polystyrene, rubber-modified polystyrene, olefin polymers, and as a component in adhesive formulations.

FOR FURTHER INFORMATION CONTACT:

Garnett R. Higginbotham, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3592) has been filed by Uniroyal Chemical, Naugatuck, CT 06770, proposing that the food additive regulations be amended to provide for the safe use of 2,2'-oxamido bis[ethyl 3-(3,5-di-*tert*-butyl-4-hydroxyphenyl)-propionate], CAS Reg. No. 70331-94-1, as an antioxidant and/or stabilizer in polystyrene, rubber-modified polystyrene, olefin polymers, and as a component in adhesive formulations.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; FR 71742).

Dated: March 22, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-8210 Filed 3-29-82; 8:45 am]

BILLING CODE 4160-01-M

Health Resources Administration

Title VI of the Public Health Service Act Assistance for Construction and Modernization of Hospitals and Medical Facilities; Delegations of Authority

Notice is hereby given that in furtherance of the delegations of authority of April 20, 1979 (44 FR 25929), and June 19, 1978 (43 FR 31238), by the Assistant Secretary for Health to the Administrator, Health Resources Administration, the Acting Administrator, Health Resources Administration, has made the following delegations of authority under Title VI of the Public Health Service Act (42 U.S.C. 291 *et seq.*), as amended, pertaining to assistance for construction

and modernization of hospitals and medical facilities.

1. Delegation from the Acting Administrator, HRA, to the Regional Health Administrators of the below listed authorities under Title VI of the Public Health Service Act, as amended.

a. Authority under Section 606(c) pertaining to the approval of requests by State Agencies that portions of allotments be made available to pay expenditures found necessary for proper and efficient State plan administration.

b. Authority under Section 645(j) pertaining to the determination of the necessary cost of construction and modernization under a project.

These authorities may be redelegated to officials within the Regional Offices.

2. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Facilities, of all the authorities under Title VI of the Public Health Service Act, as amended, except for the above authorities which were delegated to the Regional Health Administrators.

These authorities may be redelegated.

The April 20, 1979, delegation (44 FR 25929), from the Acting Administrator, Health Resources Administration, to the Regional Health Administrators and to the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, as it pertains to authorities under Title VI of the Public Health Service Act, has been superseded. Provision has been made for previous delegations and redelegations of authorities under Title VI of the Public Health Service Act made by the above listed officials to continue in effect for no more than 30 days from the effective date of the above listed delegations, provided they are consistent with the delegations from the Acting Administrator, Health Resources Administration.

The above listed delegations from the Acting Administrator, Health Resources Administration, became effective on March 22, 1982.

Dated: March 22, 1982.

Robert Graham,

Acting Administrator.

[FR Doc. 82-8486 Filed 3-29-82; 8:45 am]

BILLING CODE 4160-15-M

Title XVI of the Public Health Service Act; Health Resources Development; Delegations of Authority

Notice is hereby given that in furtherance of the delegation of authority of January 19, 1982, by the Assistant Secretary for Health to the Administrator, Health Resources Administration (47 FR 4744), the Acting

Administrator, Health Resources Administration, has made the following delegations of authority under Title XVI of the Public Health Service Act (42 U.S.C. 300e *et seq.*), as amended, pertaining to health resources development:

1. Delegation from the Acting Administrator, Health Resources Administration, to the Regional Health Administrators of the below listed authorities under Title XVI of the Public Health Service Act, as amended.

a. Authority under Section 1626 to provide technical assistance to entities developing applications under Section 1621 and Section 1642.

b. Authority under Section 1627 to periodically investigate the extent to which an entity which is receiving or has received financial assistance under Title VI and Title XVI has complied with uncompensated services assurances made at the time the financial assistance was received, the authority to report to the health systems agency and State Agency that an entity has failed to comply with such assurances, and the authority to investigate complaints of noncompliance of an entity which is receiving or has received financial assistance under Title VI and Title XVI, as such authorities pertain to the uncompensated services provisions under Title VI and Title XVI. This does not include the authority to take action to effectuate compliance by an entity with such assurances.

c. Authority under Section 1640(a) to make development grants for Area Health Services Development Funds.

These authorities may be redelegated to officials within the Regional Offices.

2. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Planning, of the authority to perform the functions under Section 1640 pertaining to the administration of the Area Health Services Development Fund program. This does not include the authority under Section 1640(a) which was delegated to the Regional Health Administrators.

This authority may be redelegated.

3. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Facilities, of all the authorities under Title XVI of the Public Health Service Act, as amended, except for (a) the above authorities which were delegated to the Regional Health Administrators and the Director, Bureau of Health Planning, and (b) the authority under Section 1602(f) concerning loan default prevention and protection of the interest of the United States in the event of default with respect to loans made or

guaranteed under Title VI and Title XVI, which the Administrator, Health Resources Administration, will retain.

These authorities may be redelegated.

The below listed authorities under Title XVI of the Public Health Service Act are to be coordinated between the following officials:

1. The authority to provide technical assistance, technical materials, and the methodologies, policies, and standards necessary to carry out Section 1626 is to be coordinated between the Regional Health Administrators and the Director, Bureau of Health Facilities.

2. The authority under Section 1640 to perform the functions required for the administration of the Area Health Services Development Fund as they pertain to health facilities projects is to be coordinated between the Director, Bureau of Health Planning, and the Director, Bureau of Health Facilities.

The April 20, 1979, delegation (44 FR 25929-25930), from the Acting Administrator, Health Resources Administration, to Regional Health Administrators, to the Director, Bureau of Health Planning, and to the Director, Bureau of Health Facilities Financing, Compliance, and Conversion, as it pertains to authorities under Title XVI of the Public Health Service Act has been superseded. Provision has been made for previous delegations and redelegations of authorities under Title XVI of the Public Health Service Act made by the above listed officials to continue in effect for no more than 30 days from the effective date of the above listed delegations, provided they are consistent with the delegations from the Acting Administrator, Health Resources Administration.

The above listed delegations from the Acting Administrator, Health Resources Administration, became effective on March 22, 1982.

Dated: March 22, 1982.

Robert Graham,

Acting Administrator.

[FR Doc. 82-8487 Filed 3-29-82; 9:45 am]

BILLING CODE 4160-15-M

Public Health Service

Health Systems Agencies and State Health Planning and Development Agencies; Certificate of Need Reviews

AGENCY: Health Resources Administration, Public Health Service, HHS.

ACTION: Notice Regarding Adjustment of the Expenditure Minimum for Capital Expenditures and the Expenditure Minimum for Annual Operating Costs.

SUMMARY: This notice provides necessary information for each State which chooses to adjust the capital expenditure and annual operating cost expenditure minimums that are used to determine whether proposals are subject to review under a State's certificate of need program. The notice also provides guidance to assist a State Health Planning and Development Agency (State Agency) in determining the exact minimum dollar figure it will use and in seeking further information.

FOR FURTHER INFORMATION CONTACT:

Jon Gold, Acting Director, Division of Regulatory Activities, Bureau of Health Planning, 3700 East-West Highway, Room 6-50, Hyattsville, Maryland 20782, (301) 436-6134.

SUPPLEMENTARY INFORMATION: The Health Planning and Resources Development Amendments of 1979 (Pub. L. 96-79) as amended by the Health Programs Extension Act of 1980 (Pub. L. 96-538) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) required the Secretary to designate by regulation (1) an index maintained or developed by the Department of Commerce which could be used by States to adjust the minimum threshold for capital expenditures and (2) an index which could be used by States to adjust the minimum threshold for annual operating costs, in the State certificate of need programs. Pub. L. 97-35 also raised the minimum threshold for capital expenditures to \$600,000 and for annual operating costs to \$250,000 effective October 1, 1981. The Secretary designated the Department of Commerce Composite Construction Cost Index for both threshold adjustments in the certificate of need final regulations published October 21, 1980 (42 CFR 123.401). This notice provides the change in the Department of Commerce Composite Construction Cost Index from October 1, 1980 to October 1, 1981. On October 1, 1980, the index was fixed at 145.6. On October 1, 1981, the index was fixed at 153.1. This 7.5 point change represents a 5.1 percent increase. States that are authorized to adjust the capital expenditure and operating cost expenditure minimums may increase them up to 5.1 percent. Because Section 1531(5) of the Public Health Service Act as amended by Pub. L. 97-35 specifies that the adjustment to the threshold is made with respect to the "figure in effect for the preceding 12-month period," the application of the yearly change in the index is compounded. Thus, the change in the index is applied to the preceding 12-month period's threshold and not to the statutory figure.

Dated: March 24, 1982.

Robert Graham,
Acting Administrator.

[FR Doc. 82-8432 Filed 3-29-82; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-82-664]

Designation of Acting Regional Administrator Order of Succession; Region III

AGENCY: Department of Housing and
Urban Development.

ACTION: Designation of Acting Regional
Administrator Order of Succession.

SUMMARY: The Regional Administrator,
Region III, is updating the designation of
officials who may serve as Acting
Regional Administrator for Philadelphia
Regional Office, Region III, during the
absence of Regional Administrator and
Deputy Regional Administrator.

FOR FURTHER INFORMATION CONTACT:
Peter M. Campanella, Regional Counsel,
U.S. Department of Housing and Urban
Development, Region III, Sixth and
Walnut Streets, Philadelphia,
Pennsylvania, 19106, (215) 597-2655.
(This is not a toll free number.)

Designation of Acting Regional Administrator, Region III, Philadelphia

The officers appointed to the
following listed positions in Region III
(Philadelphia) are hereby designated to
serve as Acting Regional Administrator
with all powers, functions, and duties
relegated or assigned to the Regional
Administrator: *Provided*, That no officer
is authorized to serve as Acting
Regional Administrator unless all other
officers whose titles precede his/her in
this designation are unable to act by
reasons of absence or there is a vacancy
in the said listed position:

1. Deputy Regional Administrator
2. Regional Counsel
3. Francis X. Healy, Special Assistant to the
Regional Administrator
4. Executive Assistant to the Regional
Administrator
5. Director, Office of Regional Community
Planning and Development
6. Director, Office of Regional Administration
7. Director, Office of Regional Housing
8. Director, Office of Regional Fair Housing
and Equal Opportunity
9. Associate Regional Counsel for Litigation

These designations supercede and
cancel all previous designations of
Acting Regional Administrator, and
Order of Succession and any
supplemental designations for Region
III.

(Delegation of Authority, 27 FR 4319 (1962);
section 9(c), Department of Housing and
Urban Development Act, 42 U.S.C. 3531 note;
and Interim Order II, 31 FR 815 (1966))

Thomas J. Gola,
Regional Administrator, Philadelphia
Regional Office, Region III.

[FR Doc. 82-8441 Filed 3-29-82; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-82-1115]

Certification of a State Land Sales Program; Florida

AGENCY: Office of Interstate Land Sales
Registration, HUD.

ACTION: Notice of Certification of the
Land Sales Program of the State of
Florida, Department of Business
Regulation, Division of Florida Land
Sales and Condominiums.

SUMMARY: The Secretary gives public
notice that a determination has been
made to accept the application and
certify the land sales program of the
State of Florida, Department of Business
Regulation, Division of Florida Land
Sales and Condominiums. A formal
agreement was entered into on January
18, 1982, commencing the effect of the
certification. The State of Florida
applied for certification of its land sales
program under 24 CFR 1710.502, and
notice of its application was published
in the *Federal Register* on October 5,
1981. The purpose of this public notice of
Florida's certification is to advise the
public, and particularly Florida land
developers and other state agencies
with land sales regulatory
responsibilities, of the terms of the
agreement and the agreement's effect
upon land sales businesses.

EFFECTIVE DATE: January 18, 1982.

ADDRESSES: HUD, Office of Interstate
Land Sales Registration, Room 4130, 451
7th Street, SW., Washington, D.C. 20410;
Department of Business Regulation,
Division of Florida Land Sales and
Condominiums, The Johns Building, 725
South Bronough Street, Tallahassee,
Florida 32301.

FOR FURTHER INFORMATION CONTACT:
Parker Deal, Department of Housing and
Urban Development, (202) 755-6314.
(This is not a toll-free number.)

SUPPLEMENTAL INFORMATION: The
agreement between the Florida
Department of Business Regulations,
Division of Florida Land Sales and
Condominiums (DFLSC) and the HUD
Office of Interstate Land Sales
Registration (OILSR) affects those land

subdivisions located in Florida for
which both a Florida Order of
Registration and Federal Statement of
Record (a Federal registration) are
required. The Federal requirements will
be satisfied and a registration for the
particular subdivision automatically
effective upon receipt of a certified copy
of the Florida Order of Registration in
proper form, the name and address of an
authorized agent and the Federal
registration fee in the amount set out in
existing regulations governing
administration and enforcement of the
Interstate Land Sales Full Disclosure
Act. No other documentation will be
required. Federal rescission language
will be incorporated into the body of the
Order of Registration's Offering
Statement, as appropriate, and in sales
contracts. No separate Federal
disclaimer page, no agent certification or
separate information relative to costs or
special risks, activity reports or
conversions to 1979 Federal regulatory
requirements will be required of Florida
developers using the certification
process. The Federal effective date will
not appear on the Public Offering
Statement.

Background: Congress, in order to
eliminate duplicative reporting
requirements, amended the Interstate
Land Sales Full Disclosure Act in 1979 to
give HUD expanded authority in the
certification of states with equivalent
land sales protection. Rules were
adopted in June 1980 setting out the
procedures and criteria for certifying a
state land sales program. States can be
certified by the Federal government if
their land sales program gives
purchasers protection either through
disclosure requirements or substantive
regulation or a combination of the two
that is substantially equivalent to that
provided by administration of the
Federal law. Once a state is certified,
HUD may accept a state's disclosure
materials, and any documentation
required, and declare these effective as
a Federal registration. California was
certified on January 6, 1981 and
Minnesota was certified on October 2,
1981. Other applications received thus
far are from the States of Oregon and
Arizona. An affirmative decision has
been made regarding the Florida
application, and a formal agreement
was signed on January 18, 1982,
following the close of a 60-day public
comment period announced in the
Federal Register on October 5, 1981. No
comments were received.

Dated: March 22, 1982.

R. Carter Sanders, Jr.,
Associate General Deputy Assistant
Secretary for Field Operations.

The formal agreement is as follows:

Be it Known That: The State of Florida, Department of Business Regulation, Division of Florida Land Sales and Condominiums (DFLSC) and the United States Department of Housing and Urban Development, Office of Interstate Land Sales Registration (OILSR) Agree as Follows

January 18, 1982.

1. That the State of Florida has adopted and is effectively administering a Uniform Land Sales Practices Law which provides lot purchasers and lessees protection that is substantially equivalent to that provided them by the Interstate Land Sales Full Disclosure Act (ILSFA).

2. That the State of Florida's land sales program relating to the Uniform Land Sales Practice Law is certified by the U.S. Department of Housing and Urban Development. A developer or subdivider who is issued an Order of Registration by the DFLSC for a subdivision located within the state may satisfy the registration requirements of the ILSFA by filing, or having filed, with the Secretary of Housing and Urban Development a certified copy of the Order of Registration, furnishing the name and address of an authorized agent and paying the required fee in lieu of the federal Statement of Record. Upon receipt of the certified copy of the Order of Registration, the name and address of an authorized agent and the specified fee, an effective date will be issued by the OILSR.

3. That each party to this agreement will notify the other of any modifications or amendments to its laws, regulations or administrative procedures or of any substantial changes to its administrative capabilities and will provide copies of the pertinent documents, if any, effecting the modification, amendment or change, including legal opinions. Such notice shall be provided within 30 days of the effective date of the modification, amendment or change.

4. That each party will notify the other of any action taken to suspend sales in a subdivision covered by this agreement subsequent to the issuance of an Order of Registration and will send the other copies of any Termination, Desist and Refrain, Cease and Desist, Notice to Show Cause or Suspension Orders issued or injunctions obtained.

5. That the DFLSC will certify as true and currently in effect any Order of Registration relating to this agreement, including any amendments to the Offering Statement or Order of Registration, needed by developers or subdividers to comply with the ILSFA.

6. That, while additional documents will not be required to be certified as a matter of course, the DFLSC will cooperate with the OILSR by providing copies of additional documents that are specifically requested.

7. That the DFLSC will cooperate with any other states obtaining certification of land sales programs from the Department of Housing and Urban Development in the same fashion as set forth in 5 and 6 above.

8. That the DFLSC will accept a disclosure document covering land located in another state but offered for sale in Florida if the disclosure document has been approved by the other state, provided the other state's land sales program has been certified by the Department of Housing and Urban Development, and the other state's disclosure document will be the only disclosure document required by the DFLSC with respect to the sale or lease of the subdivided lots. However, the DFLSC is not required to accept disclosure documents covering lots located in another certified state if those lots are not subject to the registration requirements of the ILSFA.

9. That this agreement is limited to disclosure documents required by both parties and is not intended as a substitute for the substantive requirements of the State of Florida or of the enforcement authority of either party. Thus, the DFLSC is not required to accept a disclosure document from another certified state until the subdivision in question, and its operations, also meet the substantive requirements of Florida law. Neither the DFLSC nor the OILSR is precluded from commencing an investigation or administrative, civil or criminal proceedings.

10. That the Department of Housing and Urban Development will not certify the land sales program of any other state unless that state's program offers to purchasers and lessees protection which is substantially equivalent (either in terms of required disclosure or substantive protection or some combination of the two) to that offered through administration of the ILSFA.

11. That the DFLSC will exert its best efforts to maintain the level of administration upon which certification is based.

12. That the parties will cooperate to the maximum extent possible and legally feasible in enforcement matters. The OILSR will provide, upon request, the DFLSC with copies of Florida subdivision site inspections performed by its field representatives. The DFLSC will exert its best efforts to perform on-site inspections of new subdivisions prior to issuing an Order of Registration when the subdivisions will also be registered with the OILSR and will furnish a copy of the inspection to the OILSR when the inspection is completed.

13. That the OILSR will apprise the DFLSC of any investigations it conducts affecting Florida subdivisions, developers, subdividers or their agents.

14. That this agreement does not affect the authority of either party to assess or collect fees, particularly for filing or registration purposes.

15. That, for all subdivisions certified to the OILSR, the DFLSC will assure that purchasers are advised in both disclosure documents, contracts of sale or lease and note forms of the recision rights accruing to them under federal law and that no representations will be made by subdividers that they will provide or complete roads, water, sewers, gas or electric service or recreational amenities unless the subdividers stipulate in their contract of sale or lease that they will provide such services and amenities—the purpose of which is to assure

that purchasers have a private right of action as vested in them by federal law.

16. That complaints received by the OILSR from Florida residents concerning subdivisions in Florida will be sent to the DFLSC for investigation; however, they may also be investigated by OILSR. Each will advise the other of the action taken on the complaint by sending the other copies, or notice, of replies to the complainant and other actions taken to resolve the complaint. Where such complaints address only federal requirements however, the OILSR will handle the complaint directly. The parties will cooperate where both have a direct interest in the complaint.

17. That the DFLSC will not certify to the OILSR any Conditional Order of Registration until the registrant has fully met all of the conditions set out in the Conditional Order of Registration.

18. That the Secretary of the Department of Housing and Urban Development is required to periodically review the laws and regulations, and the administration thereof, of any state whose lands sales program is certified; that the Secretary may withdraw certification upon a determination that the state's program no longer offers purchasers equivalent protection to that offered by the Interstate Land Sales Full Disclosure Act; that prior to withdrawal of certification the Secretary will issue to the state a notice of intent to withdraw certification, which notice shall afford the state an opportunity for hearing prior to withdrawal.

19. That the DFLSC may withdraw its own certification by notice to the Secretary.

20. Those subdivisions located in Florida, registered with the DFLSC prior to this agreement and authorized under prior determinations or agreements to deliver an Offering Statement in lieu of a Federal Property Report must comply with the current requirements of the DFLSC in order to be certified under this agreement. However, these subdivisions may continue to have material certified to OILSR under the provisions of the prior determinations or agreements for examination by OILSR. In such cases, no effective date will be granted by OILSR until the examination is completed and any required corrections made. Other certified states are not required to accept such subdivisions under this agreement. All other subdivisions must comply with the current requirements of the DFLSC in order to be certified under this agreement.

21. Those subdivisions located outside of Florida but authorized under prior determinations or agreements to register through the DFLSC and deliver an Offering Statement in lieu of a Federal Property Report may continue to have material certified to OILSR by the DFLSC for examination but may not be certified to OILSR under this agreement.

22. That this agreement may be amended or supplemented at a later date by written agreement of both parties.

This agreement is entered into on the 18th day of January 1982.

By E. James Kearney, for the State of Florida, Department of Business Regulation,

Division for Florida Land Sales and Condominiums.

And Alan J. Kappeler, for the U.S. Department of Housing and Urban Development, Office of Interstate Land Sales Registration.

[FR Doc. 82-8442 Filed 3-29-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado-Ute Electric Association, Inc.; Proposed Southwest Generating Station

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an environmental impact statement and to hold scoping meetings.

SUMMARY: The U.S. Department of the Interior, Bureau of Land Management, Montrose District Office, will prepare an Environmental Impact Statement on the proposal by Colorado-Ute Electric Association, Inc., to construct the Southwest Generating Station.

Colorado-Ute Electric Association, Inc., is planning to construct coal-fired steam electric generating capacity at Mack, Colorado to meet its future power requirements. Preliminary siting studies resulted in the selection of two sites for detailed investigation, one north of Mack, in Mesa County, and the other near Delta, in Delta County. Selection of either site would involve the purchase of public lands and granting of rights-of-way for ancillary facilities.

The project is expected to consist of a 500 mega-watt coal-fired steam electric generating unit and associated facilities, which would include transmission lines, coal supply railroads and water supply systems. Commercial operation is expected to begin in 1988.

Alternative that will be analyzed by BLM include the applicant's proposal, alternative sites, alternative transmission corridors and alternative plant sizes. Other alternatives may be developed subsequent to scoping. The level of detail in the EIS will be determined following the scoping process; it will be equivalent to the level of anticipated impacts. The impact analysis will define how the components of the proposed action and alternatives interact with the surrounding environment. Impacts will be traced to the point where they no longer have significant effects.

The EIS will actually be prepared by an environmental consulting firm, to be selected later this spring. The consulting firm will be contracted to Colorado-Ute,

but will be selected by BLM. Preparation of the EIS will be directed and supervised by BLM, which retains complete responsibility for compliance with federal environmental regulations. A Memorandum of Understanding between BLM and Colorado-Ute, detailing responsibilities of each entity, has been signed.

This project was initiated by the Rural Electrification Administration (REA) in May, 1981. Due to the change in the scope of BLM involvement in the project, a change in lead agency was determined necessary.

REA completed a scoping process in early summer 1981 for this project. The BLM will review and re-scope the project in the summer of 1982, due to the change in the proposed action. Tentatively, a public meeting will be held in each of the following: Grand Junction, Delta, and Denver, Colorado. Notice of all meetings will be published in local media at least two weeks before each meeting. The scoping process will involve personal contracts with agencies and individuals, in addition to formal contact with other federal, state and local agencies and groups.

In accordance with the final regulations of the Council on Environmental Quality for Implementation of Procedural Provisions of the National Environmental Policy Act (40 CFR, Part 1500) the scoping meetings will:

- Inform affected federal, state and local agencies, and other interested groups of individuals about the proposal.
- Define the scope and significant issues to be analyzed in the EIS. This includes identification and elimination from detailed study, those issues which are not significant.
- Identify environmental reports which may be related to the proposal or may contain relevant data.
- Identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

For further information contact: Bruce E. Flinn, Coordinator, Southwest Generating Station EIS, Bureau of Land Management, P.O. Box 1269, Montrose, CO 81402. Telephone: Commercial—(303) 249-7791; FTS-322-6380.

Marlyn V. Jones,

District Manager.

[FR Doc. 82-8474 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-84-M

Utah and Colorado, Uinta-Southwestern Utah Coal Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Public hearing and opening of a comment period.

SUMMARY: The Utah State Office of the Bureau of Land Management advises the public that hearings will be held to receive oral and written comments in review of both the Department of Energy Regional Coal Production Goals adopted by the Department of Interior on March 19, 1982, and the preliminary regional leasing targets established by the Department of Interior on March 26, 1982. The hearings will be held in Salt Lake City, Utah. Individuals wishing to comment orally at the public hearings are asked to provide written copies of their remarks if possible. Oral and written comments will be accepted at the public hearings. Written comments should be addressed to the Utah State Director at the address given below. This Federal Register notice is in accordance with 43 CFR 3420.3-2(f)(2).

DATE: Written comments will be accepted until close of business, April 30, 1982. A public hearing will be held in Salt Lake City, Utah, on April 20, 1982. The hearings will start at 1:00 p.m.

ADDRESS: Written comments should be addressed to Bureau of Land Management, Utah State Director, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. The public hearing will be held in the 13th floor conference room at the above address.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Uinta-Southwestern Utah Project Manager, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah, 84111. Telephone (801) 524-5326.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) issued updated national and regional coal production goals on January 26, 1982. These coal production goals are intended to guide the Department of the Interior (DOI) and the Regional Coal Team (RCT) in setting a Federal leasing target for the Uinta-Southwestern Utah Coal Production Region.

DOE FINAL PRODUCTION GOALS UINTA-SOUTHWESTERN UTAH REGION

(Million tons annually)

	1990	1995
Low	45.8	60.8
Medium	60.5	89.2
High	76.7	101.1

The coal production goals developed by DOE are provided at three levels of energy consumption growth rate—low, medium, and high. Due to the uncertainties regarding coal consumption over the next 10–15 years, especially for electric utilities and synthetic fuels, the range in the goals is substantial.

The Federal Coal Management Regulations (43 CFR 3420.3–2(d)) require that the RCT consider the regional situation and recommended adjustments to the regional production goals as needed.

In accordance with 43 CFR 3420.3–2(d) on January 26, 1982, the Uinta-Southwestern Utah Regional Coal Team unanimously recommended that the Department of Energy Regional Coal Production Goals for 1990 and 1995 contained in the 1980 Biennial Update be adopted without modification. On March 19, 1982, the Department of Interior adopted the Department of Energy's production goals as they pertain to the USWU Coal Production Region.

During the January 26, 1982, meeting, the Uinta-Southwestern Utah Regional Coal Team recommended a target in the range of 1.16 to 1.89 billion tons is feasible based on the information available to the RCT. Garrey Carruthers, Assistant Secretary of the Interior for Land and Water Resources has considered this recommendation and has established the following, (a) a preliminary leasing target of 1.6–2.1 billion tons, (b) leasing will be in western Colorado, central Utah and the Alton area of southern Utah.

This preliminary leasing target is based on the following information:

The formal expressions of interest total over 3.7 billion tons after accounting for overlaps and coal land outside the completed planning areas.

There are 13 preference right lease applications (PRLA's) within the region encompassing an estimated 2.5 billion tons of reserves. A relatively small fraction of production from these PRLA's is included in projected baseline production for 1995.

In order to respond to the demand for reserves and to ensure competition, it is necessary to lease at the indicated level. This will provide for possible entry of new coal producers and provide sufficient Federal leasing to allow the market to operate efficiently. A preliminary leasing target of 1.6–2.1 billion tons is established to meet these criteria.

The purpose of this notice is to call for public comment on (1) the adoption by the Department of Interior of the Department of Energy coal production

goals for the Uinta-Southwestern Utah Coal Production Region, (2) the Department of Interior established preliminary leasing target for this region and (3) the areas in the region to consider for leasing. Comments received will be provided to the Department of Interior to assist in making a final decision on the regional leasing target and the area for leasing in the Uinta-Southwestern Utah Coal Production Region.

Dated: March 23, 1982.

Roland G. Robison, Jr.,

State Director, Utah Bureau of Land Management.

[FR Doc. 82-8475 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 4877]

Oregon; Termination of Classification for Multiple Use Management

1. By order of the Oregon State Director, Bureau of Land Management, which was published in the Federal Register on July 23, 1970 (35 FR 11823), approximately 98,000.00 acres of public lands under the jurisdiction of the Bureau of Land Management were classified for multiple use management pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR P2460. The lands are located in Jackson, Josephine, Douglas, and Curry Counties, Oregon.

2. Pursuant to 43 CFR 2461.3(c)(2), the classification is terminated in its entirety upon publication of this notice in the Federal Register.

3. The public lands involved remain withdrawn for multiple use management purposes by Public Land Order No. 5490 of February 12, 1975, and will therefore not be open to appropriation under the agricultural land laws (43 U.S.C. Ch. 9, 25 U.S.C. 334). Subject to the provisions of other existing withdrawals and classifications, the lands have been and continue to be open to all other forms of appropriation, including the United States mining laws and mineral leasing laws.

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

Dated: March 22, 1982.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 82-8419 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-84-M

Utah; Redlegation of Authority by State Director

Section 1.1(a)(2) of Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 24, 1980 (FR Doc. 80-2428 filed January 24, 1980; 8:35 a.m.), authorizes Bureau of Land Management State Director's to redelegate the authority to grant, renew, reassign or revoke rights-of-way under Title 1, Section 28 of the Mineral Leasing Act of 1920, as amended, and under the Federal Land Policy and Management Act of 1976 to Bureau of Land Management District and Area Managers. This authority was redelegated to Utah District Managers on April 1, 1980 by publication of FR Doc. 80-8320 filed March 18, 1980; 8:45 a.m.

That authority is hereby redelegated to Utah Area Managers.

This notice has no other effect on the provisions of FR Doc. 80-2428.

The above redelegation will become effective April 1, 1982.

Dated: March 19, 1982.

Roland G. Robinson, Jr.,

State Director, Utah.

[FR Doc. 82-8420 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 19, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 14, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

ALABAMA

Colbert County

Tuscumbia, Winston, William, House, N. Commons St.

Jackson County

Scottsboro, Public Square Historic District, Roughly bounded by Appletree, Andrews, Willow and Caldwell Sts.

Jefferson County

Birmingham, Rhodes Park (Highland Avenue) Historic District, Roughly bounded by S.

10th S. 13th and Highland Aves., S. 28th and S. 30th

ARIZONA

Maricopa County

Chandler, *San Marcos Hotel*, 1 San Marcos Pl.

CALIFORNIA

Los Angeles County

Los Angeles, *Colonia House*, 1416 N. Havenhurst Dr.

Sacramento County

Sacramento, *Greene, John T., House*, 3200 H St.

San Francisco County

San Francisco, *Pioneers Woolen Mills and D. Ghirardelli Company*, 900 N. Point St.

CONNECTICUT

Fairfield County

Ridgefield, *Keeler Tavern (Benjamin Hoyt House, Ridgefield Hotel, Cannonball House)*, 132 Main St.

Stratford, *Curtis, Nathaniel, House*, 600 Housatonic Ave.

Litchfield County

Torrington, *Alldis, James, House*, 355 Prospect St.

Winsted, *Winsted Green Historic District*, US. 44 and CT 8 (Boundary increase)

Middlesex County

Ivoryton, *Comstock-Cheney Hall*, Main and Summit Sts.

New Haven County

Hamden, *Dickerman II, Jonathan, House*, 105 Mt. Carmel Ave.

New London County

Lisbon, *Lathrop-Mathewson-Ross House*, Ross Hill Rd.

Windham County

East Killingly vicinity, *Elliottville Lower Mill*, Peep Toad Rd.

IDAHO

Canyon County

Caldwell, *Carrie Adell Strahorn Memorial Library*, College of Idaho

Nez Perce County

Lewiston, *Garfield School*, 2912 5th Ave.

INDIANA

Montgomery County

Crawfordsville, *Elston, Col. Isaac C., House*, 400 E. Wabash Ave.

KENTUCKY

McCracken County

Paducah, *Paducah Downtown Commercial District*, Roughly bounded by 7th, 1st, Clark and Monroe Sts.

Scott County

Georgetown, *Main Street Historic Commercial District*, N. Hamilton, Court Alley, N. Broadway, S. Broadway, W. Main and Court Sts. (boundary increase)

MASSACHUSETTS

Barnstable County

Chatham, *Port Royal House*, 606 Main St.

Berkshire County

Great Barrington, *Searles Castle*, Main St.
Richmond, *Goodwood*, Summit Rd.

Bristol County

Fall River, *Lafayette-Durfee House*, 94 Cherry St.

Essex County

Gloucester, *Stacy, George O., House*, 107 Atlantic Rd.

Ipswich, *Turner Hill*, 315 Topsfield Rd.

Lawrence, *Gleason Building*, 349—351 Essex St.

Hampshire County

Ware, *Otis Company Mill #1*, E. Main St.

Middlesex County

Newton, *First Baptist Church in Newton*, 848 Beacon St.

Plymouth County

Brockton, *Curtis Building*, 105—109 Main St.
Brockton, *Forest Avenue School*, Concord Ave.

Brockton, *Goldthwaite Block*, 99—103 Main St.

Brockton, *Howard Block*, 93—97 Main St.

Brockton, *Lyman Block*, 83—91 Main St.

Plymouth, *Harlow, Sgt. William, Family Homestead*, 8 Winter St.

Suffolk County

Boston, *Haffenreffer Brewery*, Germania St.

Boston, *Roughan Hall*, 15—18 City Sq.

Chelsea, *Kimball, C. Henry, House*, 295

Washington St.

Worcester County

North Brookfield, *Camp Atwater*, Shore Rd.

MICHIGAN

Arenac County

Omer, *Second Arenac County Courthouse*, Central Ave.

Bay County

Bay City, *Per Marquette Railroad Depot*, Bay City Station, 919 Boutell Pl.

Clare County

Farwell, *Hitchcock, George and Martha, House*, 205 E. Michigan St.

Grand Traverse County

Traverse City vicinity, *Hedden Hall (Porter Hotel)*, 18599 Old Mission Rd.

Luce County

Newberry, *Luce County Sheriff's House and Jail*, 411 W. Harrie St.

Muskegon County

Muskegon, *Amazon Hosiery Mill*, 530—550 W. Western Ave.

Wayne County

Detroit, *Arden Park-East Boston Historic District*, Arden Park and E. Boston Aves. between Woodward and Oakland Aves.

MINNESOTA

Aitkin County

AITKIN COUNTY MULTIPLE RESOURCE AREA. This area includes:

Aitkin, *Aitkin County Courthouse and Jail*, 209 and 217 2nd St., NW.;

Aitkin Public Library, 121 2nd St., NW.;

Casey, *Patrick, House*, 4th St., and 2nd Ave., SE.;

Northern Pacific Depot, U.S. 169;

Potter-Casey Company Building, Minnesota Ave.;

Aitkin vicinity, *Swedish Evangelical*

Lutheran Bethlehem Church, Off SR 12;

Hill City, *National Woodenware Company*

Superintendent's House, Elm St. and Ione

Ave.;

McGrath vicinity, *Arthyde Stone House*, NE

of McGrath;

McGregor vicinity,

Savanna Portage, Savanna Portage State

Park (previously listed in the National

Register 4-23-73);

Malmo vicinity, *Malmo Mounds and Village*

Site, NW of Malmo on Mille Lacs Lake

(previously listed in the National Register

4-3-75) and

Tamarack vicinity, *Sandy River Lumber*

Company Horse Barn, 2 mi. S of Tamarack

Dodge County

DODGE COUNTY MULTIPLE RESOURCE

AREA. This area includes:

Dodge Center vicinity, *Nelson, Perry, House*, SR 22;

Hayfield vicinity, *Holtermann, Andrew,*

House, SR 30;

Kasson, *Eureka Hotel*, 3rd Ave., SW.;

Kasson Municipal Building, 12 W. Main St.;

Leuthold, *Jacob Jr., House*, 108 2nd Ave.,

NW.;

Kasson vicinity, *Carlson, Ole, House*, SR 15

Fillmore County

FILLMORE COUNTY MULTIPLE

RESOURCE AREA. This area includes:

Lanesboro, *Lanesboro Historic District*, MN

16 and MN 250;

Canton vicinity, *Lenora Methodist Church*,

Lenora Village;

Chatfield, *Chatfield Public Library*, Main St.;

Haven-Johnson-Lovell Houses (*The Oaks,*

The Cottage and Oakenwald Terrace)

132—218 Winona St.;

Lanesboro, *Scanlan, Michael, House*, 708

Parkway South;

Peterson, *Quickstad Farm Implement*

Company Buildings, Mill St.;

Preston, *Preston Brewery*, Bluff St.;

Preston vicinity, *Allis Barn (Reliance Stock*

Farm) SR 17;

Strong, *William, House at Carimona*,

Carimona Village;

Rushford, *Rushford City Mill (D. J. Tew Mill)*,

301 Winona St.;

Rushford Wagon and Carriage Company,

Elm and Park Sts.;

Walker, *Hiram, and Valentine, Roswell H.,*

House, 504 High St.;

Rushford vicinity, *Norway Township Stone*

House, SR 10;

Spring Valley, *Parsons Block and Hall*, 12 S.

Broadway;

Spring Valley Mausoleum, Spring Valley

Cemetery;

Spring Valley Public Library, 201 S. Broadway;
Steffens, Ephraim, House, 404 N. Broadway;
Strong, William, Estate in Spring Valley, 508 N. Huron Ave.;
Spring Valley vicinity, Pietsenpol, Bernard H., Workshop and Garage,
Cherry Grove Village

Goodhue County

Red Wing, Red Wing Residential Historic District, Roughly bounded by W. Fifth, W. Main, Cedar and Dakota Sts.

Hennepin County

Edina, Country Club District, Roughly bounded by Minnehaha Creek, US 169, W. 44th and 50th Sts. and Arden Ave.

Itasca County

ITASCA COUNTY MULTIPLE RESOURCE AREA. This area includes:

Oliver Iron Mining Company Buildings Thematic Resources. Reference—see individual listings under Itasca County;
Western Mesabi Iron Range Village Falls Thematic Resources. Reference—see individual listings under Itasca County;
Calumet vicinity, Gran, Frank, Farmstead, Off SR 10;
Coleraine, Coleraine Methodist Episcopal Church, Gayley and Cole Aves.;
Coleraine vicinity, Hartley Sugar Camp, SE of Coleraine; and
Deer River, Itasca Lumber Company Superintendent's House, 506 5th St., SE.
Coleraine, Canisteo District General Office Building (Oliver Iron Mining Company Buildings Thematic Resources) (Itasca County Multiple Resource Area) 200 Cole Ave.
Coleraine, Coleraine Village Hall (Western Mesabi Iron Range Village Falls Thematic Resources) (Itasca County Multiple Resource Area) 302-304 Roosevelt Ave.
Coleraine, Company Housing District (Oliver Iron Mining Company Buildings Thematic Resources) (Itasca County Multiple Resource Area) 102-112 Roosevelt Ave.
Coleraine, General Superintendent's House (Oliver Iron Mining Company Buildings Thematic Resources) (Itasca County Multiple Resource Area) Off U.S. 169
Marble, Marble Village Hall (Western Mesabi Iron Range Village Falls Thematic Resources) (Itasca County Multiple Resource Area) Bawden and Alice Sts.
Marble, Oliver Boarding House (Oliver Iron Mining Company Buildings Thematic Resources) (Itasca County Multiple Resource Area) Jessie St.
Nashwauk, Nashwauk Village Hall (Western Mesabi Iron Range Village Falls Thematic Resources) (Itasca County Multiple Resource Area) Central Ave. and 3rd St.

Wabasha County

Wabasha, Wabasha Commercial District, Roughly bounded by RR tracks, Bridge and Bailey Aves., and Second St.

Washington County

WASHINGTON COUNTY MULTIPLE RESOURCE AREA. This area includes:
Afton, Valley Creek Residences Thematic Resources. Reference—see individual

listing under Washington County; East Cottage Grove,
Furber, J. P., House, 7310 Lamar Ave.;
Stillwater, Jenks, Capt. Austin, House, 504 S. 5th St.;
Lammers, Albert, House, 1306 S. 3rd St.;
McKusick, Ivory, House, 504 N. 2nd St.;
Old Minnesota State Prison, Main St.;
St. Croix Lumber Mills (Stillwater Manufacturing Company) 318 N. Main St.;
Sauntry, William, House and Recreation Hall, 626 N. 4th St. and 625 N. 5th St.; and
Stussi, Henry, House, 9097 Mendel Rd.;
Webster, Mortimer, House, 435 S. Broadway
Afton, Bolles, Erastus, House (Valley Creek Residences Thematic Resources) (Washington County Multiple Resource Area) 1741 Stagecoach Trail
Afton, Geer, Silas, House (Valley Creek Residences Thematic Resources) (Washington County Multiple Resource Area) 1872 Stagecoach Trail
Afton, Gilbert, Newington, House (Valley Creek Residences Thematic Resources) (Washington County Multiple Resource Area) 1678 Stagecoach Trail

MONTANA

Gallatin County

Gallatin Gateway vicinity, Crail Ranch Building, Meadow Village
Gallatin Gateway vicinity, Little Bear School (One Room Schoolhouses of Gallatin County Thematic Resources) Off Bear Creek Rd.

NEW HAMPSHIRE

Carroll County

Moultonborough, Freese's Tavern, Main St.
South Wolfboro, Union Church, S. Main St.

Coos County

Gorham vicinity, Crawford Depot, Off U.S. 302

Grafton County

Plymouth, Old Grafton County Courthouse, 1 Court St.

Merrimack County

Boscawen, First Congregational Church of Boscawen, King St.

Rockingham County

Danville, Danville Meetinghouse, N. Main St.
Portsmouth, South Meetinghouse, Marcy St. and Meeting House Hill
Portsmouth, Wentworth, Hunking, House, 6 Congress St.

NEW JERSEY

Atlantic County

Mays Landing, Mays Landing Presbyterian Church, Main St. and Cape May Ave.

Bergen County

Upper Saddle River, New North Reformed Low Dutch Church, E. Saddle River Rd. and Old Stone Church Rd.

Hunterdon County

Clinton, Dunham's Mill (Parry's Mill), 7 Center St.

Middlesex County

New Brunswick, National Musical String Company, 120 Georges Rd.

Morris County

Towaco vicinity, Van Duyn, James Farm House, 32 Waughaw Rd.

Sussex County

Sparta, First Presbyterian Church of Sparta, 32 Main St.

Union County

Scotch Plains, Stage House Inn, Park Ave. and Front St.

NORTH CAROLINA

Edgecombe County

Tarboro vicinity, Cedar Lane, N of Tarboro off NC 44

Union County

Monroe, Sikes, John C., House, 1301 E. Franklin St.

Yancey County

Burnsville, Nu-Wray Inn, Off U.S. 19E

OHIO

Wyandot County

Crawford vicinity, Crawford, Col., Burn Site Monument, NE of Crawford

OKLAHOMA

Creek County

Drumright, Drumright, Aaron, House, 403 S. Creek Ave.

OREGON

Marion County

Salem, Oregon State Forester's Office Building, 2600 State St.

Multnomah County

Gresham, Bethel Baptist Church, 101 S. Main St.

Umatilla County

Echo, Bank of Echo Building, 230 W. Main

PENNSYLVANIA

Centre County

Centre Hall, Centre Hall Historic District, PA 192 and PA 144

Lemont, Dale, Felix, Stone House, Rt. 871

Greene County

Sugar Grove Petroglyph Site 36GR5

Lancaster County

Lititz, Sutter, Johann Agust, House, 17-19 E. Main St.

Lehigh County

Coopersburg, Coopersburg Historic District, Main St. and PA 309

Montgomery County

Elkins Park, St. Paul's Episcopal Church, Old York and Ashbourne Rds.

Northampton County

Easton, Heller, William Jacob, House, 501 Mixsell St.

Philadelphia County

Philadelphia, *Dougherty, D. Webster, House*,
2123-2125 Spruce St.
Philadelphia, *St. Mark's Episcopal Church*,
1607-1627 Locust St.

Westmoreland County

United vicinity, *Sewickley Manor*, SR 64136

TENNESSEE**Davidson County**

Nashville, *East Nashville Historic District*,
Roughly bounded by Gallatin Pike,
Edgewood Pl., N. 16th and Russell Sts.
Nashville, *Evergreen Place*, 1023 Joyce Lane

Fayette County

Somerville, *Somerville Historic District*,
Court Sq., and irregular pattern along N.
Main St.

Gibson County

Trenton, *Trenton Historic District*, Irregular
pattern along High, College and Church Sts.

Hamilton County

Chattanooga, *St. Elmo Historic District*,
Alabama, St. Elmo and Tennessee Aves.

Loudon County

Loudon, *Cumberland Presbyterian Church of
Loudon*, College St.

Madison County

Jackson, *Farrar, Capt. H. P., House*, 161 W.
Orleans St.

Marshall County

Cornersville, *Cornersville Methodist
Episcopal Church South*, 100 S. Mulberry
St.

Shelby County

Memphis, *Court Square Historic District*,
Roughly bounded by Riverside Dr., N. 2nd
St., Madison and Jefferson Aves.

Williamson County

College Grove vicinity, *Bostick Female
Academy*, U.S. 41A
Franklin, *Hincheyville Historic District*, W.
Main, Fair, 6th, 7th, 8th, 9th, and 10th Sts.

Wilson County

Lebanon vicinity, *Camp Bell*, Coles Ferry
Pike

UTAH**Sanpete County**

Mount Pleasant, *Jensen, Frederick C., House*,
2nd W. 2nd St., S.

Summit County

Hoytsville, *Hoyt, Samuel P., House*, Off I-80

Weber County

Ogden, *Eccles Building*, 385 24th St.

WEST VIRGINIA**Cabell County**

Huntington, *U.S. Post Office and Courthouse*,
9th St. and 5th Ave.

[FR Doc. 82-8450 Filed 3-29-82; 8:45 am]

BILLING CODE 4310-70-M

**INTERNATIONAL COMMUNICATION
AGENCY****Culturally Significant Objects Imported
for Exhibition; Determination**

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Dutch Figure Drawings From the 17th Century" (included in the list¹ filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to agreements between the foreign lenders and the National Gallery of Art. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about April 11, 1982, to on or about June 13, 1982, is in the national interest.

Public notice of this determination is ordered to be published in the *Federal Register*.

Dated: March 25, 1982.

Charles Z. Wicek,
Director.

[FR Doc. 82-8697 Filed 3-29-82; 10:08 am]

BILLING CODE 8230-01-M

**Culturally Significant Objects Imported
for Exhibition; Determination**

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Treasures of Egypt" (included in the list¹ filed as a part of this determination), imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to an agreement between the foreign lenders and Knoxville International Energy Exposition. I also determine that the temporary exhibition or display of the listed exhibit objects at the Knoxville Energy Expo '82, in Knoxville, Tennessee, beginning on or about May 1, 1982, to on or about November 1, 1982, is in the national interest.

¹ An itemized list of objects included in the exhibit is filed as part of the original document.

² An itemized list of objects included in the exhibit is filed as part of the original document.

Public notice of this determination is ordered to be published in the *Federal Register*.

Dated: March 26, 1982.

Charles Z. Wick,
Director.

[FR Doc. 82-8699 Filed 3-29-82; 10:27 am]

BILLING CODE 8230-01-M

**INTERSTATE COMMERCE
COMMISSION****[Ex Parte No. 311 (Sub-4)]****Motor Carriers; Modification of the
Motor Carrier Fuel Surcharge Program**

AGENCY: Interstate Commerce
Commission.

ACTION: Change in owner-operator fuel
reimbursement figure.

SUMMARY: Due to a decrease in the nationwide average cost of diesel fuel, owner-operator reimbursement has decreased from 14 to 13 cents per mile.

EFFECTIVE DATE: This decision will be effective 10 working days from publication in the *Federal Register* (April 13, 1982).

FOR FURTHER INFORMATION CONTACT:

Lee Alexander (202) 275-7723
Ted Kalick (202) 275-6446
Alan Rothenberg (202) 275-7597
Richard Shullaw (202) 275-7639

SUPPLEMENTARY INFORMATION: When the transition to mileage reimbursement began on February 12, 1982 (as set in a notice published at 47 FR 4689, February 2, 1982), carriers had 60 days to fold into their base rates that portion of the existing surcharge necessary to cover actual increased fuel costs, and to begin paying owner-operators on the basis of the new Commission mileage formula. In a decision served February 11, 1982 (47 FR 7337, February 18, 1982), the Commission established that payment as 14 cents per mile for all carrier-related business miles. Carriers were to begin reimbursing owner-operators on the earlier of the effective dates of the fold-in publication (filed to become effective on 30-days' notice) or the expiration of the 60-day compliance period (after April 13). As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of March 22, 1982, the current price of diesel fuel was 124.4 cents per gallon. The reimbursement figure is 12.9. Ten working days after publication of the notice in the *Federal Register* (April 13, 1982), carriers shall reimburse owner-operators at a minimum of 13 cents per mile.

During this 10-day period, if they choose, carriers may adjust their rates to reflect the downward change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81-2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal ratemaking avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: March 24, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, and Andre. Commissioner Andre did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-8440 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV,

United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP2-55

Decided: March 17, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 140252 (Sub-2), filed March 1, 1982. Applicant: M.K.M. ASSOCIATED TRUCKING CORP., 117 Dutch Rd., East Brunswick, NJ 08816. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201-572-5551. Transporting *metal products, scraps, paper products, and office, shipping and janitorial supplies*, between New York, NY, Philadelphia, PA, and points in Berks County, PA, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, OH, PA, and WV.

MC 145773 (Sub-17), filed March 12, 1982. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365.

Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *food and related products*, between points in Genesee County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150973 (Sub-5), filed March 3, 1982. Applicant: HERBERT R. SHIPLEY, INC., 3304 Sykesville Rd., Westminster, MD 21157. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean VA 22101, 703-893-4924. Transporting *chemicals and related products, and forest products*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Pioneer Ballon Company, (b) Pioneer Industrial Products, both of Willard, OH, (c) Globe Manufacturing Co., of Fall River, MA, and (d) Hygenic Corporation, of Akron, OH.

MC 151162 (Sub-9), filed March 8, 1982. Applicant: LOWELL E. CAWOOD, d.b.a. L. E. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501-521-8121. Transporting *food and related products*, between points in the U.S. (including HI, but excluding AK), under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 154703 (Sub-2), filed March 8, 1982. Applicant: TOP MATERIALS DISTRIBUTING, INC., 7708 NE. 99th St., Vancouver, WA 98662. Representative: Dorold Hefely (same address as applicant), 206-892-3100. Transporting (1) *paper products*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY, and (2) *such commodities* as are dealt in or distributed by manufacturers of building materials, between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY.

MC 155913 (Sub-3), filed March 2, 1982. Applicant: SELDEN AND SPENCER, INC., Route 661, Chance, VA 22439. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804-282-3809. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Ampac Forest Products, Inc., of Bloomfield, CT.

MC 159362, filed March 11, 1982. Applicant: MICHAEL D. WENZEL, d.b.a. MIKES SERVICE, 3514 S. Archer Ave., Chicago, IL 60609. Representative: Mike Wenzel (same as applicant), (312) 847-5257. Transporting *wrecked or disabled motor vehicles*, between points

in IL, IN, WI, MO, KS, KY, OH, MI, and IA.

MC 160792, filed March 1, 1982. Applicant: NATIONAL SEAFOOD DISTRIBUTORS, INC., 215 High St., P.O. Box 769, Seaford, DE 19973. Representative: Robert C. Bamford, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703-522-0900. Transporting *foodstuffs and materials, equipment and supplies* used in the manufacturing, processing or distribution of foodstuffs, between points in the U.S. (except AK and HI), under continuing contract(s) with The American Original Corporation, of Seaford, DE.

MC 160863, filed March 5, 1982. Applicant: PACIFIC AIR COURIER, INC., 1122 Fir St., Bldg. #B-3, Blaine, WA 98230. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055-3273, (206) 228-3807. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between Portland, OR, points in Whatcom, Island, Skagit, Snohomish, King, and Pierce Counties, WA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at points in WA.

MC 160893, filed March 8, 1982. Applicant: AGUSTIN GONZALEZ AND EVA R. GONZALES 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, 714-320-6556. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in Riverside County, CA and Clark County, NV.

MC 160903, filed March 8, 1982. Applicant: TURNER'S ERECTORS, INC., 3005 1/2 Dixie Highway, Louisville, KY 40216. Representative: Rudy Yessin, 113 W. Main St., P.O. Drawer B, Frankfort, KY 40601, 502-227-7326. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in KY, NJ, NY, OH, MA, PA, and AL, on the one hand, and, on the other, points in FL, LA, MS, OH, PA, NJ, NY, MD, WA, DE, IL, KY, CA, MN, NC, GA, AL, IN, MI, TN, and TX.

MC 160962, filed March 11, 1982. Applicant: DONALD E. ROSS, d.b.a. OGUNQUIT TAXI, P.O. Box 1215, Ogunquit, ME 03907. Representative: James S. Hinman, 19 West Main St., Sixth Floor, Rochester, NY 14614, (716) 335-6325. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter

operations, limited to the transportation of not more than six passengers in any one vehicle, not including the driver thereof, between points in York County, ME, on the one hand, and, on the other, points in ME, MA, RI, CT, NY, VT, and NH.

MC 160992, filed March 12, 1982. Applicant: ST. CHARLES TRUCKING, INC., 1611 East Main St., St. Charles, IL 60174. Representative: Edward G. Bazelon, 29 S. La Salle St., Chicago, IL 60603, 312-236-9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Asbeka Industries of New York, Inc., (b) Walter M. Buchroeder & Son, Inc., both of Brooklyn, NY, (c) St. Charles Manufacturing Company, of St. Charles, IL, (d) Accutronics Incorporated, of Geneva, IL, (e) Leslie Manufacturing Corporation, of San Carlos, CA, and (f) Asbeka Industries of Ohio, Inc., of Painesville, OH.

MC 160993, filed March 12, 1982. Applicant: UNITED STUDENT TOURS, INC., 628 National Highway, Thomasville, NC 27360. Representative: Samuel Lee Parrish, (same address as applicant) 919-476-6169. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, limited to the transportation of not more than 20 passengers in any one vehicle, not including the driver, between points in the U.S. (except AK and HI).

Volume No. OP3-047

Decided: March 22, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 111274 (Sub-84), filed March 10, 1982. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall, (same address as applicant), (309) 266-9773. 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 Peoria Suppliers Inc., of Peoria, IL.

MC 114284 (Sub-105), filed March 12, 1982. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Stockyard Station, Oklahoma City, OK 73148. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *food and related products* (except commodities in bulk), between points in AZ, AR, CA, CO, IL, IN, IA, KS, LA, MN,

MS, MO, NE, NV, NM, ND, OK, SD, TN, TX, UT and WI.

MC 129414 (Sub-10), filed March 8, 1982. Applicant: BELL & MOONEY, INC., P.O. Box 9, Evans, CO 80620. Representative: Steven K. Kulmann, 717 17th Street, Suite 2600, Denver, CO 80202. Transporting *alcoholic beverages*, between points in the U.S. (except AK and HI), under continuing contract(s) with Nor-Colo Distributing Co., of Greeley, CO.

MC 130245 (Sub-3), filed March 12, 1982. Applicant: SCHEFFLER'S FOUR SEASONS TOURS, INC., P.O. Box 1341, Saginaw, MI 48605. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. As a *broker*, at points in MI, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points in the U.S. (except HI).

MC 144484 (Sub-17), filed March 11, 1982. Applicant: FREIGHTWAYS, INC., P.O. Box 31, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting (1) *rubber and rubber products and metal goods*, between the facilities of Gates Rubber Co. at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *rubber and rubber products and transportation equipment*, (a) between the facilities of Borbien Young & Co. at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between the facilities of Wheatbelt Merchandising Group, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145925 (Sub-3), 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, (314) 727-0777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Delicious Foods Co., of Grand Island, NE.

MC 146675 (Sub-2), filed March 12, 1982. Applicant: KINCAID COACH LINES, INC., 9207 Woodend Rd., Edwardsville, KS 66111. Representative: Michael T. Kincaid (same address as applicant), (913) 441-6200. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in KS, and extending to points in the U.S. (except HI).

MC 149134 (Sub-3), filed March 11, 1982. Applicant: DONALD B. ROBBINS, d.b.a. HORIZONS UNLIMITED, 235 Walnut St., Statesville, NC 28677. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, D.C. 20005, (202) 347-9332. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Watauga, Caldwell, Avery and Ashe Counties, NC, and extending to points in the U.S. (except AK and HI).

MC 150724 (Sub-9), filed March 12, 1982. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, 340 Victoria Rd., Youngstown, OH 44515. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *drugs and toilet articles*, between the facilities of Pennex Products Co., Inc., and its subsidiaries, Pennex Products International, Inc., and Bonoplast, USA, Inc., at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151094 (Sub-2), filed March 12, 1982. Applicant: I-GO VAN & STORAGE, INC., 3747 Gilmore Ave., Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *pulp, paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Manville Forest Products Corporation, of West Monroe, LA.

MC 155924 (Sub-2), filed March 15, 1982. Applicant: ALANDALE TRUCKING CO., INC., N60 W15725 Kohler Lane, Menomonee Falls, WI 53051. Representative: Richard C. Alexander, 710 No. Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Falls Manufacturing Co., Inc. of Menomonee Falls, WI.

MC 156525 (Sub-3), filed March 9, 1982. Applicant: D&M TRANSPORTATION, INC., 857 Matzinger Rd., Toledo, OH 43612. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036, (202) 785-0024. 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 (1) Purex Corporation, (2) AP Parts Company, (3) The Jennison-Wright Corp., (4) LOF Glass, Libby

Owens Ford Company, and (5) General Tire & Rubber Company, Chemicals/Plastics Industrial Products Group, all of Toledo, OH, (6) Imperial Clevite, Inc., of Milan, OH, (7) Ferro Corp., of Stryker, OH, (8) Fayette Tubular Products Div., Mohawk Rubber Company, and (9) Quality Tube Service, both of Fayette, OH, and (10) Globe Weis, of Wauseon, OH.

MC 160144 (Sub-1), filed March 1, 1982. Applicant: ATLANTIC GULF TRANSPORT, INC., 1325 N.W. 32 Avenue, Miami, FL 33125.

Representative: Julio Shea (same address as applicant), (305) 635-6407. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Dade and Broward Counties, FL.

MC 160734, filed March 15, 1982. Applicant: STAR TRANSPORT CO., Route 1, Wentworth, MO 64873. Representative: Kenneth Raley (same address as applicant), (417) 476-2964. Transporting *petroleum, natural gas, and their products*, between points in AR, CO, IL, IA, KS, LA, MO, MS, NE, OK, TN, and TX.

MC 160774, filed March 11, 1982. Applicant: TRANSCO SERVICES, INC., P.O. Box 20133, Phoenix, AZ 85036. Representative: David Robinson, P.O. Box 5678, Scottsdale, AZ 85261-5678, (602) 991-2711. Transporting *paving and roadbuilding equipment and materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Crafcro, Inc., of Chandler, AZ.

MC 160894, filed March 8, 1982. Applicant: ALL AROUND AMERICA TOURS, INC., 1030 N. State St., Chicago, IL 60610. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-8525. As a *broker*, at Chicago, IL, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 160985, filed March 12, 1982. Applicant: DOROTHY TOURS, INC., 2212 Tyson Ave., Philadelphia, PA 19149. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 South 12th St., Philadelphia, PA 19107, (215) 922-1400. As a *broker*, at Philadelphia, PA, in arranging for the transportation of *passengers and their baggage*, between points in Philadelphia, Montgomery, Bucks, and Delaware Counties, PA, and Burlington, Camden, Atlantic, Gloucester and Cumberland Counties, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161005, filed March 12, 1982. Applicant: REILLY CARTAGE, INC.,

4100 W. Orchard St., Milwaukee, WI 53215. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting (1) *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Charter Manufacturing Company, Inc., of Mequon, WI, and (2) *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 Rexnord Inc., of Milwaukee, WI, and its divisions and subsidiaries.

MC 161014, filed March 15, 1982. Applicant: VIKING MOTOR TOURS OF NEWPORT, INC., 184 Thames, Newport, RI 02840. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005, (202) 783-3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at Providence and Newport, RI, and Fall River and New Bedford, MA, and extending to points in ME, VT, NH, MA, RI, CT, NY, NJ, DE, MD, PA, VA, and DC.

MC 161015, filed March 15, 1982. Applicant: REDDY INTERNATIONAL TRANSPORT CORP., 407 Montgomery Crossroads, Savannah, GA 31406. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (904) 632-2300. Transporting *chemicals*, between points in Catham County, GA on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161035, filed March 16, 1982. Applicant: MIDWEST CHARTERED BUSLINES, 1117 9th St., N.W., Minot, ND 58701. Representative: Craig A. Bumann, (same address as applicant), (701) 852-5058. Transporting *passengers and their baggage*, by motor vehicle, in charter and special operations, between points in ND, on the one hand, and, on the other, points in U.S. (except AK and HI).

Volume No. OP4-103

Decided: March 23, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Carleton not participating.)

MC 6806 (Sub-2), filed March 15, 1982. Applicant: SUPER-RITE FREIGHTWAYS, INC., 8002 W. 31st St., Rock Island, IL 61201. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives,

household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 134806 (Sub-78), filed March 15, 1982. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Hwy., Suite 404, Bethesda, MD 20814, (301) 986-9030. Transporting (1) *electrical parts and equipment, cable clamps and non-hazardous greases*, between points in the U.S. (except AK and HI), under continuing contract(s) with Burndy Corporation, of Orange, CT; (2) *paper products, fiberwood and pulpboard*, between points in the U.S. (except AK and HI), under continuing contract(s) with Boise Cascade, of Brattleboro, VT; and (3) *books*, between points in the U.S. (except AK and HI), under continuing contract(s) with The Book Press, Inc., of Brattleboro, VT.

MC 133466 (Sub-4), filed March 16, 1982. Applicant: FORT CALHOUN EXPRESS, INC., 12th & Madison, Fort Calhoun, NE 68023. Representative: Kelly C. Shadden (same address as applicant), (402) 468-5511. Transporting *metal products*, between points in Washington and Douglas Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147916 (Sub-7), filed March 12, 1982. Applicant: GAMPAC EXPRESS, INC., 4103 Second Ave. So., Seattle, WA 98134. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464-4224. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with The Peavey Company, of Minneapolis, MN.

MC 149216 (Sub-6), filed March 16, 1982. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew St., Newton Highlands, MA 02161. Representative: James E. Mahoney, 148 State St., Boston, MA 02109, (617) 523-2660. Transporting *food and related products*, between points in ME, NH, VT, MA, RI, CT, and IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 153806 (Sub-2), filed March 16, 1982. Applicant: BILL McKEEN TRUCKING LIMITED, 1708 County Rd. 46, Comber, Ontario, Canada NOP 1J0. Representative: Robert J. Hornick, 1958 Main St., Comber, Ontario, Canada NOP 1J0, (519) 887-2025. Transporting (1) *lumber*, between ports of entry on the International Boundary line between the U.S. and Canada at Detroit, MI, on the one hand, and, on the other, points in MI, OH, IL, IN, and KY, and (2)

foodstuffs, fibre barrels and packaging materials, between the ports of entry on the International Boundary line between the U.S. and Canada at Detroit, MI, on the one hand, and, on the other, points in MI.

MC 159986 (Sub-3), filed March 16, 1982. Applicant: AMAZON INDEPENDENT TRANSPORTATION, INC., 12480 24th Ave., Marne, MI 49435. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Georgia-Pacific Corporation, of Darien, CT.

MC 160536 (Sub-1), filed March 16, 1982. Applicant: HADDOUR TRANSPORTATION, INC., 4300 New Getwell Rd., Memphis, TN 38118. Representative: Harold J. Holcomb (same address as applicant), (901) 365-8880. (Ext. 3053). Transporting *fans and fan parts*, between points in the U.S. (except AK and HI), under continuing contract(s) with Comfort Conditioning Division of Robbins and Myers, Inc., of Memphis, TN.

MC 160966, filed March 11, 1982. Applicant: GUILLE STEEL PRODUCTS COMPANY, INC., 122 S Witchduck Rd., Virginia Beach, VA 23462. Representative: Blair P. Wakefield, Suite 1001, F and M National Bank Bldg., Norfolk, VA 23510, (804) 627-0070. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Southeast Metal-Deck, Inc., of Chesapeake, VA.

Volume No. OP4-105

Decided: March 22, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams, (Member Carleton not participating).

MC 116227 (Sub-26), filed March 15, 1982. Applicant: POLMAN TRANSFER, INC., Rt. 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 452-8770. Transporting (1) *chemicals and related products*, (2) *rubber and plastic products*, (3) *paper and related products*, (4) *feed additives*, and (5) *metal products*, between points in Stearns County, MN and Cass County, ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149387 (Sub-3), filed March 15, 1982. Applicant: DEAN BRENNAN TRANSPORT, INC., 2529 Highway 42, Manitowoc, WI 54220. Representative: Richard C. Alexander, 710 N. Plankinton

Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *general commodities*, (except classes A and B explosives and household goods), between points in Manitowoc County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149497 (Sub-22), filed March 15, 1982. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359-2907. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP4-106

Decided: March 23, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams, (Member Carleton not participating.)

MC 42487 (Sub-1058), filed March 16, 1982. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities*, except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Minnesota Mining and Manufacturing Company, of St. Paul, MN, or its wholly owned subsidiaries.

MC 103937 (Sub-11), filed March 15, 1982. Applicant: ANTHRA-TRANS, INC., R.D. No. 3, Moscow, PA 18444. Representative: Joseph Michael Roberts, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296-4900. Transporting *general commodities*, (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Container Recovery Corp., of Nashua, NH, and Connecticut Container Recovery Corp., of Manchester, CT.

MC 125687 (Sub-29), filed March 15, 1982. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., York, PA 17405. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, DC 20005, (202) 783-3525. Transporting *food and related products*, (1) between Providence, RI and Boston, MA, on the one hand, and, on the other, points in CT, RI, MA, NY, and NJ, and (2) between Philadelphia, PA, on the one hand, and, on the other, points in PA, NJ and NY.

MC 145457 (Sub-12), filed March 16, 1982. Applicant: B & M EXPRESS, INC., P.O. Box 82506, Oklahoma City, OK

73148. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424-3301. Transporting *such commodities* as are dealt in or used by retail and discount stores, between points in AL, AR, CO, GA, KS, LA, OK, MO, MS, TN and TX.

MC 146377 (Sub-3), filed March 16, 1982. Applicant: EDWARD MCGILL, INC., 3 General Ave., Rome, GA 30161. Representative: Gary Hamilton, 237 N 5th St., Rome, GA 30161, (404) 291-0734. Transporting *bakery products*, between points in the U.S. (except AK and HI), under continuing contract(s) with ITT Continental Baking Company, Inc., of Rome, GA.

MC 153737 (Sub-2), filed March 18, 1982. Applicant: ED ROSE CARTAGE, INC., 1425 N Sharon Ave., Indianapolis, IN 46222. Representative: Edward Rose (same address as applicant) (317) 637-3000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, and KY, on the one hand, and, on the other, point in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MO, MN, MS, NE, NC, OH, OK, PA, SC, TN, TX, VA, WV and WI.

Volume No. OP5-62.

Decided: March 18, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 40898 (Sub-34), filed February 1, 1982, published initially in the *Federal Register* (republishing), on February 17, 1982. Applicant: S & W MOTOR LINES, INC., P.O. Box 18267, Greensboro, NC 27419. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303, 404-522-2322. Transporting (1) *containers, container closures and components, and packaging products*, between New Orleans, LA, points in Davidson County, NC, and Fulton County, GA, on the one hand, and, on the other, points in SC, GA, FL, NC, VA, AL, LA, and MS; and (2) *mal beverages*, between points in Houston County, GA, on the one hand, and, on the other, points in NC.

Note.—This republication corrects Part (1) to read New Orleans, LA, in lieu of Atlanta, GA.

MC 40978 (Sub-91), filed February 22, 1982. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting (1) *furniture and fixtures* and (2) *laboratory and hospital equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with American Hamilton, Division of American

Hospital Supply Corporation, of Two Rivers, WI.

MC 127509 (Sub-2), filed March 8, 1982. Applicant: JAY PALLET ALL, INC., Rt. 2, Box 90J, Millersburg, OH 44654. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *lumber and wood products*, between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 133779 (Sub-10), filed February 22, 1982. Applicant: FUNDIS COMPANY, 110 West Broadway, Lovelock, NV 89419. Representative: Edwin A. Meyer, P.O. Box 7042, Reno, NV 89510, (702) 322-4441. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in CA, on the one hand, and, on the other, points in NV on and north of U.S. Hwy 6.

MC 140688 (Sub-4), filed February 26, 1982. Applicant: NICOLL TRUCKING (MEDICINE HAT) LTD., P.O. Box 87, Aldersyde, Alberta, Canada TOL OAO. Representative: John T. Wirth, 2600 Petro Lewis Tower, 717 17th St., Denver, CO 80202, (303) 892-8700. Transporting *chemicals and related products* between ports of entry on the international boundary line between the U.S. and Canada located in WA, ID, MT, and ND, on the one hand, and, on the other, points in the U.S. in and west of MI, IL, MO, AR, and LA (except AK and HI).

MC 141318 (Sub-18), filed March 4, 1982. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box LTD, Medford, WI 54451. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612-333-1341. Transporting *pulp, paper and related products* between points in Price County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 142279 (Sub-12), filed March 5, 1982. Applicant: RAY REICH d.b.a. REICH TRUCKING CO., Rt. 1, Box 133F, Forest Hill, LA 71430. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768, (512) 476-6391. Transporting *forest, wood and lumber products and building materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Allied Building Stores, Inc., of Monroe, LA.

MC 142508 (Sub-173), filed February 16, 1982. Published initially in the *Federal Register* (republishing) on March 3, 1982. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th St., Omaha, NE 68137.

Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, 312-263-2306. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of their size and weight require special handling or equipment), between points in the U.S. (except AK and HI) under continuing contract(s) with General Foods Corporation of White Plains, NY, and its subsidiaries General Foods Manufacturing Corporation and Birds Eye, Inc. both of White Plains, NY, and Oscar Mayer and Co., of Madison, WI.

Note.—This republication is to correct the listing of shippers to be served under contract.

MC 145409 (Sub-6), filed February 16, 1982. Applicant: STA-GREEN TRANSPORTATION COMPANY, INC., 321 North Anniston Ave., Sylacauga, AL 35150. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578-2836. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in AL, GA, FL, MS, LA, TN, NC, SC, KY, AR, VA, WV, and TX.

MC 145679 (Sub-21), filed March 3, 1982. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *such commodities* as are dealt in or used by manufacturers of paper, paper products and plastic articles, between points in the U.S. (except AK and HI), under continuing contract(s) with James River Corporation of Virginia, of Richmond, VA.

MC 146758 (Sub-23), filed March 3, 1982. Applicant: LADLIE TRANSPORTATION, INC., 1701 Margaretha, Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800-533-6038. Transporting *meat and meat byproducts*, between points in NE, CO, IA, and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148209 (Sub-2), filed February 25, 1982. Applicant: MARRIOTT-ARIDDLE, INC., P.O. Box 409, Green Forest, AR 72638. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521-8121. Transporting *food and related products*, between point in Fresno and Merced Counties, CA, Morgan County, IL, Gibson County, TN, Grayson County, TX, and Dodge, Green and Waupaca Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153758 (Sub-3), filed March 5, 1982. Applicant: LAMPMAN BROKERAGE, INC. d.b.a. MASTRO ENTERPRISES, 4233 Sierra Madre, Fresno, CA 93711. Representative: James A. Spiegel, Old Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *foodstuffs* between points in the U.S. (except AK and HI), under continuing contract(s) with Tolibia Cheese, Inc., of Fond du Lac, WI.

MC 156069 (Sub-4), filed March 8, 1982. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603, (312) 782-8880. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Chicago, IL and Detroit, MI, on the one hand, and, on the other, points in IL, IN, MI, OH, MN, WV, WI, IA, MO, TN, KY, and PA.

MC 158969, filed February 25, 1982. Applicant: GENE SCHERER & SONS TRUCKING, INC., P.O. Box 178, St. Joseph, MN 56374. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, 701-237-4223. Transporting (1) *transportation equipment*, under continuing contract(s) with Automotive Parts Headquarters, Inc., of St. Cloud, MN; and (2) *metal products*, under continuing contract(s) with St. Cloud Window, Inc., of St. Cloud, MN, and Mid-Central Manufacturing Co., of St. Joseph, MN, between points in the U.S. (except AK and HI).

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Decided: March 19, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 98589 (Sub-4), filed March 8, 1982. Applicant: WORLD TRANSPORT, INC., 56 Oak Hill Way, Brockton, MA 02403. Representative: Henry Alfonso (same address as applicant), 617-584-0613. 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. (including AK and HI), under continuing contract(s) with EGI Warehouse of Brockton, MA.

MC 100318 (Sub-5), filed March 9, 1982. Applicant: JAMES F. MOLLENHAUER d.b.a. CITY TRANSPORT CO., P.O. Box 1331, Cherry Hill, NJ 08034. Representative: Ronald Ervais, 1315 Walnut St., Suite 1329, Philadelphia, PA 19107, (215) 732-6160. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the

Commission, and commodities in bulk), between points in PA, on the one hand, and, on the other, points in CT.

MC 107478 (Sub-93), filed February 25, 1982. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, High Point, NC 27261. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986-1410. 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, Inc., of New York, NY.

MC 119399 (Sub-153), filed March 11, 1982. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., Joplin, MO 64802. Representative: Keith R. McCoy (same address as applicant), (417) 623-5229. 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).

MC 119789 (Sub-736), filed March 9, 1982. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant), 214-579-7110. 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).

MC 128449 (Sub-13), filed March 10, 1982. Applicant: JIMMIE TUCKER TRUCKING, INC., Box 428, Broken Bow, OK 74728. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424-3301. Transporting *metal products and machinery*, between points in Lancaster County, IL, Butts County, GA, and McCurtain County, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145679 (Sub-22), filed March 12, 1982. Applicant: A & A TRANSPORT, INC., P.O. Box 569, Palmer, MA 01069. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Kansas City, KS, and points in Baldwin and Tuscaloosa Counties, AL, Los Angeles, Orange, San Francisco, Tulare and San Diego Counties, CA, Kent County, DE, Duval, Liberty and Escambia Counties, FL, Walker County, GA, Grundy County, IL, Allen Parish, LA, Essex and Bristol

Counties, MA, Oakland County, MI, Harrison County, MS, Middlesex, Union and Warren Counties, NJ, Brooklyn and Niagara Counties, NY, Mecklenberg and Chatham Counties, NC, Summit and Fairfield Counties, OH, Columbia and Jackson Counties, OR, Allegheny County, PA, Hampton County, SC, Hardeman and Davidson Counties, TN, Travis and Harris Counties, TX, and Pierce County, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150179 (Sub-3), filed March 8, 1982. Applicant: LOGISTICS, INC., 214 S. Perry St., P.O. Box 638, Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Cincinnati and Dayton, OH, and points in Miami, Shelby, Butler, and Preble Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, WY, CO, and NM.

MC 150318 (Sub-4), filed March 8, 1982. Applicant: TAYLOR WAREHOUSE & TRUCKING COMPANY, INC., 14615 Anson Ave., Santa Fe Springs, CA 90670. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *such commodities* as are dealt in or used by manufacturers of feminine hygiene products, between points in the U.S. (except AK and HI), under continuing contract(s) with International Consumer Disposables, Inc., of Santa Fe Springs, CA.

MC 150339 (Sub-46), filed March 10, 1982. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Roland D. Jordan (same address as applicant), (301) 673-7151. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Jeuro Container Transport (U.S.A.) Inc., of Oakland, CA.

MC 150658 (Sub-1), filed March 10, 1982. Applicant: FEDDERLY MARION FREIGHT LINES, INC., P.O. Box 228, Issaquah, WA 98027. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624-7373. Transporting (1) *nonmetallic minerals*, (2) *chemicals and related products*, (3) *clay, concrete, glass or stone products*, and (4) *construction materials*, between points in WA, CA, ID, MT, NV, and UT.

MC 152779 (Sub-2), filed March 5, 1982. Applicant: KFM TRANSPORT, INC., 222 E. 5th Ave., Naperville, IL 60540. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, 414-722-2848. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract(s) with Kroehler Mfg., Co., of Binghamton, Inc., of Binghamton, NY.

MC 159098, filed March 8, 1982. Applicant: PAUL CHRISTENSEN MANNING, d.b.a. MANNING CO. TRUCKING, P.O. Box 3425, Logan UT 84321. Representative: Paul C. Manning, 557 East 900 North, Logan UT 84321, (801) 752-4709. Transporting (1) *food and related products* between points in AZ, CO, CA, ID, IL, IA, MN, NE, NV, ND, SD, OR, UT, WA, WY, WI, MO, and KS, and (2) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between the facilities used by Ralston Purina Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160908, filed March 8, 1982. Applicant: TREADWAY TRUCKING, INC., P.O. Box 269, Oakman, AL 35579. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. Transporting *commodities in bulk*, between points in AL, on the one hand, and, on the other, points in AL, GA, FL, LA, MS, and TN.

MC 160909, filed March 9, 1982. Applicant: LIBERTY-BARRY FEED MILLS, INC., P.O. Box 126, Liberty, IL 62347. Representative: Douglas G. Brown, 913 South Sixth, Springfield, IL 62703, (217) 753-3925. Transporting *feed* between points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NM, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI.

MC 160918, filed March 8, 1982. Applicant: STEVE L. RHOTON, d.b.a. S. L. RHOTON TRUCKING, Route #2, Box 70, Hagerstown, MD 21740. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *building materials* between points in Washington County, MD, on the one hand, and, on the other, points in WV, VA, PA, and DC.

MC 160919, filed March 9, 1982. Applicant: TRUCKERS EXPRESS, INC., 2 Commerce St., P.O. Box 8255, Missoula, MT 59807. Representative:

W. E. Seliski (same address as applicant), (406) 543-8369. Transporting *such commodities* as are dealt in or used by lumber yards and distributors of iron and steel articles, between points in WA, OR, ID, MT, MN, IA, and IL, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, IA, NE, CO, UT, NV, and CA (except AK and HI).

Volume No. OP5-66

Decided: March 22, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 48958 (Sub-228), filed March 3, 1982. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189, 806-374-1641. 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 Barnett Brass and Copper Inc. of Texas, of Dallas, TX.

MC 67308 (Sub-8), filed March 10, 1982. Applicant: COLONIAL TRAILWAYS, 400 South Royal St., Mobile, AL 36601. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, 703-751-2441. Transporting (1) *over regular routes, passengers and their baggage, and express and newspapers in the same vehicle with passengers*, (a) between Jackson and Brandon, MS, via US Hwy 80 and Interstate Hwy 20; and (b) between Jackson and Magee, MS, via US Hwy 49; and (2) *over irregular routes, passengers and their baggage in the same vehicle with passengers, in charter and special operations, beginning and ending at points on the above described regular routes, and the areas served by these routes, and extending to points in the U.S. (except HI)*.

MC 84719 (Sub-11), filed March 11, 1982. Applicant: BEKINS MOVING & STORAGE CO., Aurora Ave. at North 95th, P.O. Box 30728, Seattle, WA 98103. Representative: Daniel W. Baker, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986-1414. Transporting (1) *household goods* and (2) *furniture and fixtures*, between points in AK, AZ, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT, WA, and WY.

MC 96719 (Sub-14), filed March 12, 1982. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, TX 79756. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Frwy., Dallas, TX 75237, (214) 339-4108. Transporting *Mercer and*

earth drilling commodities, between points in the U.S., (including AK but excluding HI).

MC 105159 (Sub-48), filed March 16, 1982. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *such commodities* as are dealt in or used by manufacturers of luggage, between Denver, CO, on the one hand, and, on the other, points in IA, IL, MN, ND, NE, SD, and WI.

MC 107028 (Sub-30), filed March 12, 1982. Applicant: ACME TRANSPORTATION, INC., 2832 Giant Rd., San Pablo, CA 94804. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104, 415-986-5778. Transporting *commodities in bulk*, between points in CA, on the one hand, and, on the other, points in AR and TX.

MC 117478 (Sub-6), filed March 15, 1982. Applicant: SPERRY TRANSPORTATION CO., 907 F St., Charles City, IA 50616. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting *metal products*, between Chicago, IL, points in Marathon and Winnebago Counties, WI on the one hand, and, on the other, points in Floyd and Chickasaw Counties, IA.

MC 138569 (Sub-3), filed March 15, 1982. Applicant: BRAITHWAITE TRUCKING, INC., 3819 Sunset Drive, Rapid City, SD 57701. Representative: David J. Stanton, 2040 West Main, Suite 202, Rapid City, SD 57701, (605) 348-7746. Transporting *coal, sand, gravel, haydite, and crushed rock*, between points in Pennington County, SD, on the one hand, and, on the other, points in Campbell County, KY.

MC 147949 (Sub-7), filed March 15, 1982. Applicant: ROEDER CARTAGE COMPANY, INCORPORATED, 175 Mumaugh Rd., Lima, OH 45804. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Mallinckrodt, Inc., of St. Louis, MO.

MC 148098 (Sub-1), filed March 11, 1982. Applicant: CITIES TRANSIT, INC., 415 Ingraham Ave., P.O. Box 1553, Lakeland, FL 33802. Representative: M. Craig Massey, 215 East Lime St., Lakeland, FL 33802, 813-682-1178. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in FL, on the one hand,

and, on the other, points in the U.S. (except AK and HI).

MC 154739 (Sub-3), filed March 10, 1982. Applicant: JEBCO LEASING, INC., 515 Elcamino Rd., Greenwood, IN 46142. 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, 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 Rose & Walker, Inc., of Bloomington, IN, H.P. Chemcial Products Corp. and Noble Brewer Salt Co., both of Indianapolis, IN.

MC 159818 (Sub-1), filed March 17, 1982. Applicant: HAYWOOD TRANSIT, INC., Rt. 2, Box 331, Canton, NC 28716. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 347-8862. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Haywood County, NC, and extending to points in the U.S.

MC 160679, filed March 10, 1982. Applicant: MILLER SPECIALTY TRUCKING, INC., P.O. Box 414, SW, 5A Street, Ardmore, OK 73401. Representative: Herbert H. Thomas, 2222 So. Tower Plaza of the Americas, Dallas, TX 75201, (214) 748-2278. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Carter County, OK, on the one hand, and, on the other, points in OK and TX.

MC 160988, filed March 12, 1982. Applicant: E. L. RAINS TRUCKING, INC., P.O. Box 2284, Irwindale, CA 91706. Representative: John P. O'Toole (same address as applicant), (213) 334-1285. Transporting *plastic and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Tri-Plas, Inc., of Ontario, CA.

MC 161028, filed March 16, 1982. Applicant: UNITED TRUCK LINES, INC., P.O. Box 3644 T.A., Spokane, WA 99220. Representative: Henry C. Winters, 12600 S.E. 38th St., Suite 200, Bellevue, WA 98006, (206) 644-2100. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between points in CA, ID, MT, NV, OR, UT, and WA. 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 application(s) for common control to Team 5, Room 6370.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-8439 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 18 (SDM)]

Rail Carriers; the Chessie System; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chessie System and its Subsidiaries has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 SDM. The Commission on March 4, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 SDM.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-8435 Filed 3-29-82; 6:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 105); ICC-CR-C-0052]

Rail Carriers; Consolidated Rail Corp.; Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C.

¹ AB 18 (SDM), the Chesapeake and Ohio Railway Company, AB 19 (SDM), the Baltimore and Ohio Railway Company and AB 69 (SDM), the Western Maryland Railway Company.

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 on or before April 14, 1982.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr. or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION:

Consolidated Rail Corp. (CR) filed a petition on March 17, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract ICC-CR-C-0052 to become effective on one day's notice. The contract was filed to become effective on 30 days' notice.

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. However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

CR has entered a transportation service contract with a manufacturer of fertilizer; the contract will expire in 120 days. The shipper's plant is located on CR's secondary track at Charlottesville, IN. Application has been filed by Conrail to abandon this line. Because of a fire at another facility of the shipper, production has been temporarily shifted to the Charlottesville plant. The shipper is willing to make additional payments on a contract basis for continuation of short term rail service. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

CR's contract 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 requirements in this instance 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 on or before April 14, 1982.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Dated: March 23, 1982.

By the Commission, Division 1, Sterrett, Taylor, and Andre. Commissioner Andre did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8437 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 399]

Cost Recovery Percentage

In our decision served April 1, 1981 (46 FR 20794, April 7, 1981) we stated that the Cost Recovery Percentage (CRP) for 1982 would be issued sufficiently in advance of April 1, 1982 to allow for further comments prior to establishing the CRP. This decision was a further notice to a request for comments published at 46 FR 9794, January 29, 1981. Our decision further noted that the CRP determination is an academic exercise until October 1, 1983 at the earliest and that as much time as needed would be taken between April 1, 1981 and October 1, 1983 to establish an appropriate methodology with the public's participation.

We wish to consider using the new Uniform Rail Costing System (URCS) for the calculation of the 1982 CRP. URCS promises to be an improvement over the Rail Form A System. Delays, unforeseen on April 1, 1981, to the final operation of the URCS costing system have set back its final acceptance to the extent that a CRP using URCS cannot be produced by April 1, 1982. Because the CRP is only an academic exercise until at least October 1, 1983 a delay in the release of the 1982 CRP until later this year will neither be harmful to the public nor violate the statute. The Commission now contemplates the release of the 1982 CRP on or before September 1, 1982. A sufficient period for comments will be allowed.

(49 U.S.C. 10321 and 10709(d) and 5 U.S.C. 553)

Decided: March 19, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Clapp, and Sterrett. Commissioner Clapp did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8438 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 2 SDM]

Rail Carriers; Louisville and Nashville Railroad; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Louisville and Nashville Railroad Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 2 SDM. The Commission on March 20, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 2 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8434 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 55 SDM]

Rail Carriers; Seaboard Coast Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Seaboard Coast Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 55 SDM. The Commission on March 20, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section

of Dockets, by requesting docket No. AB 55 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-8436 Filed 3-29-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Diphenoxylate with atropine sulfate—notice of temporary authorization for its importation.

SUMMARY: The Congress has provided in the Controlled Substances Import and Export Act of October 27, 1970 (Pub. L. 91-513, Title III; 21 U.S.C. 951 et seq.) that the Attorney General (now delegated to the Administrator of the Drug Enforcement Administration) may permit the importation of such quantities of narcotic drugs as he finds necessary to provide for the medical, scientific, or other legitimate needs of the United States.

Several manufacturers of diphenoxylate with atropine sulfate tablets have notified DEA that the domestic manufacturers of diphenoxylate with atropine sulfate powder are temporarily unable to furnish an adequate supply of this substance until May or June, 1982. The DEA has confirmed this fact with the domestic suppliers.

The purpose of this notice is to remedy the temporary inadequate domestic supply of diphenoxylate with atropine sulfate powder and insure its uninterrupted supply to meet the medical, scientific, or other legitimate needs of the United States. Therefore, pursuant to his authority under Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) and Paragraph 1312.13 of the Code of Federal Regulations (21 CFR 1312.13), the Acting Administrator has determined that effective on the date of this notice and until May 1, 1982, or until such time as the domestic supply becomes adequate, diphenoxylate with atropine sulfate powder (a Schedule V narcotic substance) may be imported only by firms currently authorized to import Schedule V substances in an amount not to exceed 25 percent of their 1981 domestic sales (three-month sales). Applications for import permits for the importation of this substance by qualified firms must be filed in accordance with § 1312.13 of the Code of

Federal Regulations (21 CFR 1312.13). In keeping with the spirit of the Controlled Substances Import and Export Act (Section 1002), calling for the importation of raw materials when it is determined domestic manufacture is inadequate, DEA will closely monitor the temporary importation of diphenoxylate with atropine sulfate powder and control the quantity imported through the issuance of import permits, until such time as the domestic supply becomes adequate.

FOR FURTHER INFORMATION CONTACT: Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street NW., Washington, D.C. 20537, Telephone Number (202) 633-1321.

EFFECTIVE DATE: This notice becomes effective March 30, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

March 24, 1982.

[FR Doc. 82-8476 Filed 3-29-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of Missouri

This notice announces the beginning of a new Extended Benefit Period in the State of Missouri, effective on March 21, 1982.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State

employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determinations of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on March 6, 1982, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 21, 1982.

Information for Claimants

The duration of extended benefits payable in a new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on March 25, 1982.

Albert Angrisani,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 82-8452 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on April 1, 1982.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, NW., Attn: TPPL, Washington, D.C. 20213. Telephone: 202-376-7192.

SUPPLEMENTARY INFORMATION:

Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to

publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 9, 1981 (46 FR 30594).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c) and are added to the annual list of labor surplus areas, effective April 1, 1982. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on March 18, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREAS

[April 1, 1982]

Labor surplus area	Civil jurisdiction included
Connecticut Pomfret Town	Pomfret Town.
Mississippi Tishomingo County	Tishomingo County.
North Carolina Edgecombe County	Edgecombe County.
Yancey County	Yancey County.
South Carolina Greenwood County	Greenwood County.
Tennessee Weakley County	Weakley County.

[FR Doc. 82-8451 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-82-16-C]

Barrett Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Barrett Coal Company, R.D. #1, Box 226, Paxinos, Pennsylvania 17860 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Slope No. 1 (I.D. No. 36-07129) located in Northumberland County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in pair or set of developing entries by 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,

Acting Directors Office of Standards, Regulation, and Variances.

[FR Doc. 82-8453 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-8-C]

J & C Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

J & C Coal Company, P.O. Box 426, Jaeger, West Virginia 24844 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 11 Mine located in Wyoming County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam varies between 43 to 48 inches in height, and the mining height is 31 inches.

3. Petitioner states that installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because:

a. The canopies could strike the roof support system, resulting in unstable roof conditions which create potentially hazardous condition; and

b. The equipment operator's visibility is hampered, forcing miners to lean out from the cabs, exposing body parts to potential injury.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-8454 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-30-C]

Kanawha Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Kanawha Coal Company, P.O. Box 38, Ashford, West Virginia 25009 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its

Madison No. 1 Mine (I.D. No. 46-02843), Madison No. 2 Mine (I.D. No. 46-02844), and Madison No. 1A Mine (I.D. No. 46-04945), all located in Boone County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's roof bolting machine.

2. Petitioner states that installation of a canopy on the roof bolting machine would result in a diminution of safety for the miners affected because the canopy would severely restrict the equipment operator's vision. In addition, the canopy could strike and dislodge the roof support system.

3. As an alternative method, petitioner proposed to equip the roof bolting machine with an automatic temporary roof support (ATRS). Petitioner states that this proposal will provide the same degree of safety for the miners affected as that afforded by the standard. 4. For these reasons petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,
*Acting Director, Office of Standards,
Regulations and Variances.*

[FR Doc. 82-8455 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-71-M]

Kentucky Stone Co.; Petition for Modification of Application of Mandatory Safety Standard

The Kentucky Stone Company, 400 Sherburn Lane, P.O. Box 7556, Louisville, Kentucky 40207 has filed a petition to modify the application of 30 CFR 57.15-30 (self-rescue devices) to its Marion Operation located in Crittenden County, Kentucky, Mt. Vernon Operation located in Rockcastle County, Kentucky, Tyrone Operation located in Anderson County, Kentucky, Princeton Operation located

in Caldwell County, Kentucky and its Yellow Rock Operation located in Lee County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a one-hour self-rescue device approved by MSHA be made available by the operator to all personnel underground.

2. Petitioner's mines are underground limestone operations. Each mine has multiple openings at least 40 feet wide and 18 feet high consisting of noncombustible limestone. These openings are large enough to accommodate any size vehicle from a small pickup truck to a large 35-ton haulage truck.

3. The underground roadways are approximately 50 feet wide and are not supported or lined with any combustible materials. Emissions of methane gas have never occurred and MSHA has never found any trace of methane in active workings during routine gas sampling procedures during regular inspections.

4. Petitioner states that none of the mines has ever experienced any situation requiring the use of a self rescuer. The capability of driving trucks in and out of the operation indicates that if a fire should occur, nearby fire departments would be able to respond quickly enough to extinguish a fire if the mine's fire fighting efforts do not suffice. Petitioner further states that the build-up of carbon monoxide in a concentration high enough to cause a problem is remote due to the size of the area and the amount of air being exchanged constantly.

5. The escape and evacuation plan at the Marion Operation consists of turning off the lights and leaving them off to warn all miners to evacuate the mine. The other four mines blink the lights underground three times as a warning to evacuate the mine. The evacuations can take place within a matter of minutes.

6. Petitioner states that the safeguards and procedures outlined above coupled with the noncombustible mine atmosphere provide the same measure of safety for the miners affected as that afforded by the standard and for these reasons requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health

Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,
*Acting Director, Office of Standards,
Regulations and Variances.*

[FR Doc. 82-8456 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-17-C]

Little Egypt Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Little Egypt Coal Company, P.O. Box 187, Raven, Virginia 24639 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 2 Mine located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mining height ranges from 44 to 54 inches.

3. Petitioner states that installation of cabs or canopies on the mine's equipment would result in a diminution of safety for the miners affected because the equipment operators must hang out from the canopy to see properly, exposing body parts to potential injury.

4. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,
*Acting Director, Office of Standards,
Regulations and Variances.*

[FR Doc. 82-8457 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-23-C]**Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Peabody Coal Company, P.O. Box 350, Morganfield, Kentucky 42437, has filed a petition to modify the application of 30 CFR 75.303 (preshift examination) to its Camp No. 1 located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner is seeking a modification to monitor the 2 East off 2 Main South seals at a specified location between the seals and fan shaft instead of examining each seal.

2. Petitioner states that examining each seal on a daily basis exposes miners to adverse roof conditions in those areas.

3. In support of the proposed alternative method, petitioner states that:

a. Due to the extremely close proximity of the seals to the fan shaft, there would be little danger resulting from a damaged seal;

b. Each seal is adequately ventilated; any gases would go directly to the fan.

4. Petitioner states that the alternative method proposed will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,

Acting Director Office of Standards, Regulations and Variances.

[FR Doc. 82-8458 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. 81-269-C]**Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Peabody Coal Company, P.O. Box 530, Taylorville, Illinois 62568 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 10 located in Christian County,

Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's roof bolter.

2. Petitioner is experimenting with a dual purpose Lee Norse TD 12-3 roof bolter, which has the capability of installing vertical roof support and angled truss bolts. This roof bolter is equipped with an Automatic Temporary Roof Support System (ATRS) when installing vertical roof bolts which are installed in accordance with the approved roof control plan.

3. When the supplementary roof bolts (truss bolts) are being installed in the roof at a 45 degree angle, the ATRS system rotates making this 45 degree angle possible and will not allow the ATRS to fit firmly against the roof. As an alternative method, petitioner proposes to install rail bars instead of truss bolts or wait until the area to be trussed is no longer in by the last open crosscut.

4. Petitioner states that the proposed alternative method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR 82-8459 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-15-C]**Raven Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Raven Coal Company, R.D. #2, Box 173, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its No. 1 Slope (I.D. No. 36-07112), located in Northumberland County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 5,000 cubic feet per minute; and

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,

Acting Director Office of Standards, Regulations and Variances.

[FR Doc. 82-8460 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-2-C]

Valley Camp Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Valley Camp Coal Company, 2971 E. Dupont Avenue, Shrewsbury, West Virginia 25184 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 36 Mine (I.D. No. 46-03309) located in Kanawha County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return air courses be examined in their entirety on a weekly basis.
2. A roof fall occurred in the return aircourse of the mine. The fall area is located approximately 200 feet from the portal and covers an area approximately 120 feet in length. Because of the massive amount of rock and debris in the fall area, miners are unable to travel this return aircourse in its entirety. The roof in the fall area is unsupported and rehabilitation of this area would expose miners to hazardous conditions. No reduction in the amount of air flow has been detected as a result of the roof fall.
3. As an alternative method, petitioner proposes to monitor oxygen deficiency, methane accumulation and the rate of air flow in the return air course from two evaluation points at both edges of the fall area.
4. Petitioner states that this proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 29, 1982. Copies of the petition are available for inspection at that address.

Dated: March 22, 1982.

Patricia W. Silvey,
Acting Director, Office of Standards,
Regulations and Variances.

[FR Doc. 82-8461 Filed 3-29-82; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

[V-81-2]

U.I.D.C. of Colorado, Inc., Grant of Variance

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Grant of Variance.

SUMMARY: This notice announces the grant of a permanent variance to the U.I.D.C. of Colorado, Inc., from the standards prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior building maintenance.

DATES: The effective date of this grant of variance is March 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3662, Washington, D.C. 20210, Telephone: (202) 523-7183; or the following Regional and Area Offices:

U.S. Department of Labor, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294

U.S. Department of Labor, Occupational Safety and Health Administration, Tremont Center, 1st Floor, 33 West Colfax, Denver, Colorado 80204

I. Background

In December of 1980, U.I.D.C. of Colorado, Inc., made application, pursuant to section 6(d) of the Occupational Safety and Health Act (29 U.S.C. 655(d)) and 29 1905.11, for a permanent variance from portions of the safety and health standards prescribed in 29 CFR 1910.66(b)(3). This provision refers to and incorporates Parts II and III of the American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, ANSI A120-1970. Section 21 of Part III of this standard requires that the design of the building or structure face in conjunction with the design of the building contact number on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of live and dead loads on the working platform. Further, the face of the building shall be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

The address of the place of employment affected by the variance

application is as follows: Energy Center II, 707 17th Street, Denver, Colorado 80202.

Notice of the U.I.D.C. of Colorado, Inc., application for variance was published in the Federal Register on March 20, 1981 (46 FR 17931). The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance. One comment was received concerning the request for variance. The writer took exception to the proposed alternative method from two aspects and recommended that the variance not be granted, although no request was made for a hearing. The objections were to the lack of restraint of the platform over a 40 foot distance endangering the workmen from wind action on a tall structure, and to no mention being made of a method of enforcing the attachment of tie-backs at each cable restraint device.

With regard to the initial assertion, OSHA has determined that engineering data submitted by the applicant demonstrated that workmen were not in any danger from even a relatively high wind.

Regarding the second assertion, OSHA has determined that it will be necessary for operators of the powered platform to have knowledge of and training in the operation of the intermittent stabilization system. The employer is also aware of his responsibility in assuring compliance of the operators with the terms of the variance.

II. Facts

The applicant is the owner of the Energy Center II, a building with a rise of approximately 550 feet. The applicant will purchase a powered platform to be used for exterior maintenance of this building. The applicant will provide a system of intermittent stabilization of his powered platform to prevent horizontal translation with respect to the face of the building. The system will consist of stainless steel receptacle anchors secured in the face of the building in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each

elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant further states that the building has been provided with vertical track guides to stabilize the platform as it descends or ascends past the transition between the hotel and office portions of the building.

The applicant also contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

III. Decision

On the basis of engineering data submitted to OSHA and discussions between the parties, an order was prepared which OSHA feels confident provides an environment as safe and healthful as that provided by the standard.

Included among the requirements are the following:

(a) A requirement for suspension rope angulation in order to exert a specified minimum pressure of the powered platform against the face of the building;

(b) A positive means of assuring knowledge of the wind velocity as the highest point on the building;

(c) Use of a full-body harness including leg straps which, together with a short lanyard and an automatic locking rope grab, is designed to prevent injury to an employee in the event of a fall; and

(d) Specific requirements for strength and other safety aspects of the powered platform and its appurtenances.

The applicant will be required to comply not only with the requirement contained in the Order, but with all other applicable provisions of 29 CFR 1910.66.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 80-76 (41 FR 29059), it is ordered that U.I.D.C. of Colorado, Inc., be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with that portion of section 1910.66(b)(3) of the Occupational Safety and Health Standards that requires the building to be provided with T rails, indented

mullions, or equivalent guides which will positively engage building contact members on the working platform.

All other provisions of the standard are unaffected by this variance order, and U.I.D.C. of Colorado, Inc., must continue to comply with them in conjunction with the terms of this Order.

1. The employer shall assure that all procedures required for the proper functioning of the intermittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 8 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart. The minimum tensile strength of the anchor bolt shall be 600 pounds.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater. At the very least, an instrument which will accurately measure wind velocity shall be located on the roof of the building.

8. Operators shall be provided with full-body harnesses which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,400 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor shall have a factor of safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

As soon as possible, U.I.D.C. of Colorado, Inc., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This order shall become effective on March 30, 1982, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

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

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 82-6402 Filed 3-29-82; 6:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Commission on Precollege Education in Mathematics, Science and Technology is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), and other applicable law. This determination follows consultation with the Committee Management Secretariat Staff, General Services Administration, pursuant to section 9(a) of the Federal Advisory Committee Act and other applicable issuances.

Name of committee: National Science Board Commission on Precollege Education in Mathematics, Science and Technology.

Purpose: The Commission will examine the health and potential of secondary school mathematics, science and technology education in the United States and will make recommendations to the Nation through the National Science Board to address the Nation's needs. To carry out this mission the Commission will analyze the status of education in mathematics, science and technology, identify inadequacies, if any, and recommend appropriate improvements.

Effective date of establishment and duration: This establishment is effective upon filing the Charter with the Director, NSF, and with the standing committees of the Congress having legislative jurisdiction over the Foundation. The Commission will expire two years from the effective date of the Charter, contingent upon its renewal after the second year.

Membership: The Commission on Precollege Education in Mathematics, Science and Technology will consist of between fifteen and eighteen members appointed by the National Science Board, which will designate a chairperson and vice chairperson from among the members. Members will be persons whose wisdom, knowledge and abilities can promote an objective examination of mathematics, science and technology education in the secondary schools.

Operation: The Commission will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

John B. Slaughter,
Director.

March 25, 1982.

[FR Doc. 82-8422 Filed 3-29-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications related to Reactor Cooling, Emergency Core Cooling, and Refueling to ensure sufficient redundancy in decay heat removal capability is maintained during all modes of plant operation.

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 Ch. 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 September 26, 1980, (2) Amendment No. 64 to License No. DPR-23, 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 Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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 8th day of March 1982.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 82-8488 Filed 3-29-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specification for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Radiological Technical Specifications to clarify the meaning of "OPERABLE" and to incorporate a general action statement to complement those currently required to meet Limiting Conditions of Operation and by updating the standards issued for

developing procedures and administrative policies.

The application of 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 Ch. 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 May 9, 1980, as supplemented January 8, 1982, (2) Amendment No. 67 to License No. DPR-23, 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 Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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 18th day of March 1982.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 82-8489 Filed 3-29-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-295]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-39, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Unit 1 (the facility) located in Zion, Illinois. The amendment was authorized by telephone February 9,

1982, and was confirmed by letter of the same date.

This amendment provides a one time change to the Technical Specifications to allow the leakage from the 1B Steam Generator to exceed the 500 gallon per day limit until the unit is shut down for refueling in late February or early March. The temporary limit is 700 gpd. This amendment was issued on an expedited basis to maintain the plant at a steady-state condition and avoid subjecting the plant to a shutdown transient shown by our evaluation to be unnecessary.

The request 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 CFR Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 21, 1982, (2) Amendment No. 73 to License No. DPR-39, (3) the Commission's letter dated February 9, 1982 and (4) 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 Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2), (3) and (4) 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 11th day of March 1982.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 82-8490 Filed 3-29-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 2 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment allows operation of D. C. Cook Unit No. 2 with the EXXON Nuclear Company power distribution control procedures.

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 Ch. I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 24, 1981, (2) Amendment No. 38 to License No. DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 4th day of March 1982.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 82-8491 Filed 3-29-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. P-564-A]

Pacific Gas & Electric Co. (Stanislaus); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.105 (effective November 6, 1981), the Atomic Safety and Licensing Board for Pacific Gas & Electric Company (Stanislaus), Docket No. P-564-A, is hereby reconstituted by appointing Administrative Law Judge Morton B. Margulies to serve in place of the Board. Administrative Judges Marshall E. Miller, Sheldon J. Wolfe and Seymour Wenner, because of schedule conflicts, are unable to continue to serve.

All correspondence, documents and other materials shall be filed with Judge Margulies in accordance with 10 CFR 2.701 (1980). His address is:

Administrative Law Judge Morton B. Margulies, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Md., this 23rd day of March 1982.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety
and Licensing Board Panel.

[FR Doc. 82-8492 Filed 3-29-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11146]

Southern Natural Gas Co. (a Delaware corporation); Application and Opportunity for Hearing

March 25, 1982.

Notice is hereby given that Southern Natural Gas Company (a Delaware corporation) ("Southern") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Manufacturers Hanover Trust Company ("Manufacturers") under the indenture referred to in paragraph 1 below, which has been qualified under the Act and under the trust indenture referred to in paragraph 2 below, which does not require qualification under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as Trustee under any of such indentures.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as

defined in the Section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeships under the indentures are not so likely to involve a material conflict of interest as to make it necessary to disqualify such trustees from acting as trustee under any such indentures.

Southern alleges that:

1. On December 7, 1981, the Commission declared effective the Registration Statement (File No. 2-72741) of Southern, and qualified under the Act an indenture, dated as of December 1, 1981, between Southern and Manufacturers, as Trustee, (the "Southern Indenture") pursuant to which \$100,000,000 of Southern's 15% Sinking Fund Debentures due December 1, 1991 were to be, and have been, issued.

2. Bear Creek Capital Corporation ("Bear Creek Capital") a Delaware corporation formed and wholly-owned by Bear Creek Storage Company ("Bear Creek Storage"), a Louisiana partnership composed of Southern Gas Storage Company ("Southern Gas"), a Delaware corporation and a wholly-owned subsidiary of Southern, and Tennessee Storage Company, a Delaware corporation, has entered into a Trust Indenture, dated as of September 15, 1981 (the "Bear Creek Capital Indenture"), with Manufacturers, as Trustee, and T. C. Crane, as Co-Trustee, pursuant to which Bear Creek Capital issued an aggregate principal amount of \$135,000,000 of its 9% Secured Notes, Series A due November 1, 2000 and \$30,000,000 of its 14% Secured Notes, Series B due November 1, 2000 (collectively, the "Notes"). Inasmuch as the Notes were offered and sold in a private placement to a single institutional investor in reliance upon the representations of the purchaser that it was purchasing the Notes for investment and not with a view for resale, they were not registered under the Securities Act of 1933, as amended, and the Bear Creek Capital Indenture

was not qualified under the Trust Indenture Act of 1939. The Notes are secured, inter alia, by an assignment to the Trustees by Bear Creek Capital of its rights under a Service Agreement, dated June 1, 1981, between Bear Creek Storage and Southern (the "Service Agreement"), assigned by Bear Creek Storage to Bear Creek Capital pursuant to a Pledge and Assignment of Rights Under Service Agreement dated as of September 15, 1981, between Bear Creek Capital and Bear Creek Storage, consented to by Southern in a Consent and Agreement to Pledge and Assignment dated as of September 15, 1981, executed by Southern and Tennessee Gas Pipeline Company (the "Consent"). The Consent provides that the obligation of Southern to pay the charges due under the Service Agreement is absolute and unconditional.

3. The obligations of Southern under the Southern Indenture and the Consent are wholly unsecured and each such obligation ranks equally with the other. Southern is not in default under either obligation.

4. The Southern Indenture contains the provisions required by section 310(b) of the Act.

Southern respectfully requests that the Securities and Exchange Commission find and declare by order that the continued trusteeship of Manufacturers under the Bear Creek Capital Indenture would not be so likely to involve any material conflict of interest as to make it necessary in the public interest or for the protection of investors that Manufacturers be disqualified from acting as Trustee under the Southern Indenture, if Manufacturers were to continue to act as Trustee under the Bear Creek Capital Indenture.

Southern has waived notice of hearing, and waives hearing, in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 13, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed:

Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-8423 Filed 3-29-82; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 23, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Hudson Bay Oil & Gas Limited, Common
Stock, \$2.50 Par Value (File No. 7-6195)
Luby's Cafeterias Incorporate, Common
Stock, \$.32 Par Value (File No. 7-6196)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 13, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-8424 Filed 3-29-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION**[Proposed License No. 09/09-0304]****American Asian Consolidated;
Application for a License To Operate
as a Small Business Investment
Company**

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), under the name of American Asian Consolidated, 840 N. Broadway, Suite 202, Los Angeles, California 90011, 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 stockholders of the Applicant are as follows:

Eng Sing Tan, 90-A Binjai Park,
Singapore 21—Chairman, Board of
Directors and sole stockholder
G. Nguyen Tien Hung, 615 Esplanade,
Rodondo Beach, CA 90277—President,
Treasurer and Director
Lien-Fu Huang, 7005 Capital View Drive,
McLean, VA 22101—Vice President,
Secretary and Director
Y Duc Tang, 326 Paseo Placita, Sam
Dimas, CA 91773—Assistant
Secretary and Director

The applicant, a California corporation with its principal place of business at 840 N. Broadway, Suite 202, Los Angeles, California 90012 will begin operations with \$1,500,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than April 14, 1982, 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, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, California.

Dated: March 24, 1982.

(Catalog of Federal Domestic Assistance
Program No. 59.011, Small Business
Investment Companies)

Robert G. Lineberry,

Acting Deputy Associate Administrator for
Investment.

[FR Doc. 82-8477 Filed 3-29-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY**Office of the Secretary****[Dept. Cir., Public Debt Series—No. 9-82]****Treasury Notes, Series D-1989;
Interest Rates**

March 24, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,250,000 of United States securities, designated Treasury Notes of April 15, 1989, Series D-1989 (CUSIP No. 912827) NB 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated April 7, 1982, and will bear interest from that date, payable on a semiannual basis on October 15, 1982, and each subsequent 6 months on April 15 and October 15 until the principal becomes payable. They will mature April 15, 1989, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any

possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, March 31, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 30, 1982, and received no later than Wednesday, April 7, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking

institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, April 7, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, April 5, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new

securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for the make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 82-8425 Filed 3-26-82; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 61

Tuesday, March 30, 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

CIVIL AERONAUTICS BOARD:

TIME AND DATE: 9:30 a.m., April 1, 1982.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 40459, *United States-Brazil/Argentina All-Cargo Exemption Proceeding*. Dockets 40467, 40471, 40472 and 40447, Applications of Arrow Airways, The Flying Tiger Line, American Airlines and Aero Exchange d.b.a. Pan Aero International for U.S.-Brazil/Argentina all-cargo exemption authority. Memorandum of Issues, Summary and Evaluation of the Applicants Direct and Rebuttal Exhibits. (BIA)
3. Docket 40147, Carrier Selection Case for Stockton, Modesto and Merced, California. Instructions on which carrier or carriers should be selected to provide essential air service for Modesto and Stockton. (BDA)
4. Overview of CAB Civil Rights Enforcement Program (Memo 1150, OGC, BDA, BCAA, OCCCA, OC)
5. Revisions of the Board's rule implementing Title VI of the Civil Rights Act of 1964. (Memo 1160, OGC, BCAA, OCCCA)
6. Docket 40120, Equal Access to Justice. (Memo 837-B, OGC)
7. Tariffs for travel after January 1, 1983. (OGC, BDA)
8. Notice of proposed rulemaking concerning the ceiling on domestic passenger fare flexibility zones. (OGC, BDA)
9. Docket 38585, Joint Fares: draft final rule. (OGC, BDA)
10. Docket 35107, *Hawaii Common Fares Investigation*. (OGC)
11. Docket 40350, Application of North Pacific Airlines, Inc. under Subpart Q of the Board's regulations for a section 401 certificate. (Memo 1194, BDA)
12. Dockets 40386 and 40387, Agreements filed by the Air Traffic Conference of America relating to a Default Protection Plan. (BDA)

13. Commuter carrier fitness determination of OK-Air, Inc. (Memo 1182, BDA)

14. Dockets EAS-349 and EAS-351, Essential Air Transportation Determination of Crescent City and Eureka/Arcata, California. (BDA, OCCCA, OGC)

15. Docket EAS-798, Appeal of the South Wood County Airport Commission of the essential air service eligibility determination for Wisconsin Rapids, Wisconsin. (Memo 1189, OGC, OCCCA, BDA)

16. Docket EAS-773, Appeal of Allen County Regional Airport Authority of the essential air service eligibility determination for Lima, Ohio. (Memo 1186, OGC, OCCCA, BDA)

17. Docket EAS-412, Appeal of Fort Dodge Airport Commission of the essential air service determination of Fort Dodge, Iowa. (Memo 1187, OGC, OCCCA, BDA)

18. Docket 40493, Application of Pioneer Airways, Inc., for an emergency exemption. (BDA)

19. Section 406 subsidy limitations contained in the fiscal 1982 appropriations law. (BDA)

20. Docket 38692, Semo Aviation, Inc., Application for compensation for losses at Jonesboro, Arkansas. (Memo 026-B, BDA, OCCCA, OC, BCAA)

21. Docket 40200, Certificate Application of Channel Flying Inc., Filed Under Subpart Q. (BDA)

22. Docket 38623, IATA agreements proposing South Pacific fare increases and new U.S.-Europe fare structures. (Memo 1191, BIA)

23. Docket 37943, Investigation of excess-baggage charges proposed by Qantas. (Memo 34-A, BIA, OGC)

24. Docket 40249, Petition of DHL for issuance of a statement of clarification to the Court of Appeals. (BIA)

25. Docket 40168, Application of Arrow Airways, Inc. to engage in scheduled combination air transportation to foreign points located in the Caribbean, Latin America, and Western Europe. Arrow requested that its application be processed by show-cause procedures. (BIA, OGC, BAL)

26. Dockets 39726, 39726 and 39817, Applications of Scanair, Sterling Airways A/S and A/S Conair for foreign air carrier permits to conduct charter foreign air transportation of passengers between Denmark, Norway and Sweden and the United States. (BIA)

27. Docket 38788, Motion and amended motion of Two Americas Trading Company, Inc. d.b.a. ICB International Airlines (ICB) that an effective date be inserted into its certificate issued by Order 81-11-85, in lieu of its effectiveness being conditioned upon the filing with the Board of the FAA air carrier operating certificate and operations specifications of the air carrier with whom it has entered into a binding wet-lease agreement; Docket 40103, Application of ICB that the exemption granted by Order 81-10-

174 authorizing it to provide scheduled all-cargo service between New York, N.Y./Newark, N.J. and Ghana under a wet-lease arrangement with Arrow Airways, Inc. be amended to allow the operation to be performed pursuant to a wet-lease agreement between ICB and Affretair (Private) Ltd. (Affretair); and Docket 40398, Application of Affretair for an exemption from section 402 of the Act to the extent necessary to enable it to wet-lease its aircraft to ICB for operations in scheduled, all-cargo foreign air transportation between New York, N.Y.; Accra, Ghana; Johannesburg, South Africa; and Salisbury, Zimbabwe. (BIA, OGC)

28. Report on Recent Negotiations with Japan.

29. Report on Recent Negotiations with Barbados and Antigua.

30. Status Report on Negotiations with the United Kingdom.

31. Report on Recent Negotiations with the Philippines.

32. China's Third Frequency Operation.

33. Report on Recent Developments with El Salvador.

34. Court of Appeals Decision in *Delta Air Lines v. CAB*, D.C. Cir. NO. 80-2339.

35. Docket 39634, *U.S.-London Case (1982)* - Motion of World Airways, Inc. to Reopen the Record.

36. Dockets 40198, 40243 and 40408; Applications of Aeromexico, Swissair, Swiss Air Transport Company, and Fast Air Carrier, Ltd. for Exemptions to Operate Intermodal Cargo Services. (Memo 1192, BIA)

37. Docket 40082; Application of Continental Air Lines to Amend Its Certificate for Route 29-F. (Memo 1149, BIA)

38. Update on Antigua and Barbuda-United States Aviation Relations; Applications of Seagreen Air Transport for Fifth Freedom Charter Authority.

39. Report on Recent Negotiations with Portugal.

40. Upcoming Negotiations with Scandinavia.

STATUS: 1-27 Open; 28-40 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-458-82 Filed 3-26-82; 3:16 am]

BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, April 1, 1982.

LOCATION: Room 456, Westwood Tower, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Benzidine Dyes: Status*

The staff will brief the Commission on the Benzidine Congener Dyes project status report.

2. Alternative Test Apparatus and Procedures.

The staff will brief the Commission on three draft Federal Register notices which allow the use of alternate apparatus and procedures by persons and firms required to perform testing under the flammability standards for clothing textiles (16 CFR Part 1610) and for children's sleepwear (16 CFR Parts 1615 and 1616).

3. Regulatory Review of Standard for the Flammability of Clothing Textiles (16 CFR Part 1610)

The staff will brief the Commission concerning a review of the standard for the flammability of clothing Textiles and regulations implementing that standard. The staff conducted the review to determine if any burden that the standard or regulations may impose on the textile industry can be eliminated.

Closed to the public:

4. Compliance Matters: Status

The staff will brief the Commission on the status of various compliance matters.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492-6800.

[S-454-82 Filed 3-26-82; 9:05 am]

BILLING CODE 6355-01-M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Thursday, April 1, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Supplemental Item for the Open Meeting:

Proposed discontinuance of the Survey of Time and Savings Deposits (FR 2296) and extension with revisions of the monthly Survey of Variable Interest Rate Ceiling Time Deposits (FR 2042).

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 25, 1982.

James McAfee,

Associate Secretary of the Board.

[S-455-82 Filed 3-26-82; 9:32 am]

BILLING CODE 6210-01-M

4

PAROLE COMMISSION

TIME AND DATE: Wednesday, April 7, 1982, 2 p.m.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 8 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-457-82 Filed 3-26-82; 2:54 pm]

BILLING CODE 4410-01-M

5

POSTAL SERVICE

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings on Monday, April 5, at 2:00 P.M., and at 9:00 A.M. on Tuesday, April 6, 1982, in the Benjamin Franklin Room, 11th Floor, 475 L'Enfant Plaza SW, Washington, D.C. The Tuesday meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

On March 1, 1982, the Board of Governors of the United States Postal Service voted to close to public observation its meeting of April 5, 1982, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins, McKean and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; Counsel to the Governors Califano; and Assistant Postmaster General Cummings. The meetings will consist of a discussion of Postal Service strategic planning.

Agenda

1. Minutes of the Previous Meeting.

2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Report on Finance Group Programs.

(Mr. Finch, Senior Assistant Postmaster General, will provide a report on certain programs of the Finance Group.)

4. Implementation of Board of Governors Resolution 81-9.

(On June 29, 1981, by Resolution No. 81-9, the Board directed the Postal Service to reduce its proposed capital expenditures in fiscal year 1982 for the facilities program from \$324 million to \$124 million, in view of then recent delays in establishing needed adjustments to postal rates and in order to hold down cash outlays during fiscal 1982. In view of subsequent developments, including currently favorable market conditions for construction, at least in certain areas, the Board will discuss the implementation of this Resolution during the remainder of the fiscal year.)

5. Capital Investment Project:

Proposed new General Mail Facility and Vehicle Maintenance Facility in Montgomery County, Maryland.

(Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will present a proposal for a new suburban General Mail Facility and Vehicle Maintenance Facility in Montgomery County, Maryland.)

Louis A. Cox,
Secretary.

[S 465-82 Filed 3-26-82; 10:52 am]

BILLING CODE 7710-12-M

6

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-10]

TIME AND DATE: 9 a.m., Tuesday, April 6, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; the last two items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Air Florida Airlines, Inc., McDonnell Douglas DC-10-30CF, N101TV, Miami International Airport, Miami, Florida, September 22, 1981.

2. *Recommendation to the Federal Aviation Administration regarding certification of*

engine installation design precautions to minimize hazards of engine rotor failure.

3. *Letter to Airline Pilots Association* regarding petition for reconsideration: Pacific Southwest Airlines, Inc., B-727, N5333PA, and Gibbs Flite Center, Inc., Cessna 172, N771G, San Diego, California, September 25, 1978.

4. *Opinion and Order: Petition of Johnson*, Docket SM-2257; disposition of the petitioner's appeal.

5. *Opinion and Order: Administrator v. Duncan*, Docket SE-5249; disposition of respondent's appeal.

CONTACT PERSON FOR MORE

INFORMATION: Sharon Flemming (202) 382-6525.

March 26, 1982.

[S-459-82 Filed 3-26-82; 3:28 pm]

BILLING CODE 4910-58-M

Federal Register

**Tuesday
March 30, 1982**

Part II

Department of the Interior

**Office of Surface Mining Reclamation and
Enforcement**

**Surface Coal Mining and Reclamation
Operations; Permanent Regulatory
Program; Stream Buffer Zones; and Fish,
Wildlife, and Related Environment Values**

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816 and 817

Surface Coal Mining and Reclamation Operations, Permanent Regulatory Program, Stream Buffer Zones, and Fish, Wildlife, and Related Environment Values

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is proposing to amend its rules with respect to stream buffer zones and fish, wildlife, and related environmental resources. The revised rules would reduce the burdens of existing regulations; change the requirements relating to stream buffer zones, wetland area protection, and protection of endangered species; and clarify the relationship between the Surface Mining Control and Reclamation Act and the Bald Eagle Protection Act.

DATES:

Written comments: Accepted until 5 p.m. (eastern time) on April 29, 1982.

Public hearings: Held on request only, on April 27, 1982, at 9:30 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 14-19), 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 14-19), Room 5315L, 1951 Constitution Avenue, NW., Washington, DC 20240.

Public hearings: Washington, D.C.—Department of the Interior Auditorium, 18th and C Streets, NW.; Denver, Colo.—Brooks Tower, 2d Floor Conference Room, 1020 15th Street.

Public meetings: OSM offices in Washington, D.C.; Charleston, W. Va.; Knoxville, Tenn.; Indianapolis, Ind.; Denver, Colo.; and Pittsburgh, Pa.

FOR FURTHER INFORMATION CONTACT: John D. Parsons, Division of Technical Assistance, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202-343-5955.

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., may 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 would greatly assist the transcriber, but submission of written statements in advance of the hearing would 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 locations listed in "ADDRESSES" by contacting Jose del Rio (202-343-4022).

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

Sections 515(b)(24) and 516(b)(11) of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1265(b)(24), 1266(b)(11), require

that to the extent possible using the best technology currently available, mine operators minimize harm to fish, wildlife, and related environmental values, and that they enhance such resources where practicable. Sections 515(b)(10) and 516(b)(9) of the Act, (30 U.S.C. 1265(b)(10), and 1266), require operators to minimize disturbance to water resources and to take certain specified measures to protect water quantity and quality. In addition, Sections 515(b)(2) and 516 of the Act, (30 U.S.C. 1265(b)(2), and 1266), require that the operator restore mined land to a condition equal to or better than that which existed before mining.

To implement these provisions and the provision of other statutes and regulations protecting wildlife, OSM promulgated 30 CFR 816.57, 817.57, 816.97 and 817.97 on March 13, 1979, as part of the permanent regulatory program (44 FR 15403, 15410-1, 15430, 15437). These regulations are proposed to be revised to reduce the burden of the existing regulations, to minimize duplication and conflict between regulations, and to ensure that they are well-reasoned.

Existing § 816.57 and 817.57 provide for buffer zones around certain streams. They are essentially the same, except that § 816.57 refers to surface mining and § 817.57 to underground mining. The proposed rules would also be essentially the same for surface and underground mines. To simplify this preamble, OSM will discuss proposed changes to § 816.57 with the understanding that the discussion will also apply to proposed § 817.57.

Existing §§ 816.97 and 817.97 set forth performance standards for protection of fish and wildlife. These too, are and would remain essentially the same, except that § 816.97 refers to surface mining and § 817.97 to underground mining. The proposed rules would also be essentially the same for surface as for underground mining. All discussion of proposed § 816.97 in this preamble also applies to proposed § 817.97. Additionally, all discussion of § 816.44 also applies to § 817.44.

Where proposed changes to the sections of Part 816 are not the same as those proposed for sections of Part 817, differences will be noted.

OSM circulated drafts of these proposed rules prior to this publication and references to commenters in this document relate to comments received on those early drafts.

III. Discussion of Proposed Rules

A. Stream Buffer Zones

Existing § 816.57(a) provides that no land within 100 feet of a perennial stream or a stream with a biological community shall be disturbed, except where the regulatory authority makes certain determinations entitling the operator to an exemption. Paragraph (c) governs the determination as to whether a stream contains a biological community. Under that paragraph, a stream has a biological community if it has an assemblage of at least two species of arthropods or molluscan animals which are adapted to and dependent upon flowing water, reproduce in the stream and are longer than 2 millimeters at some stage in their lives.

This regulation has proven to be confusing to apply, and could be excessive, because many insignificant water sources in the East contain arthropods that are longer than 2 millimeters at some stage. As written, the requirements depend more upon the biologic and climatic conditions of the region and their effect on the water source than the value of the stream to be protected. For example, in certain areas even city gutter drainage could be covered, while in others, important intermittent streams could be provided no additional protection. For this reason § 816.57(a) is proposed to be revised to require buffer zones for all intermittent streams, rather than streams with a specified biological community. The proposed regulation would continue to allow the regulatory authority to grant a waiver after making the findings necessary to entitle the operator to an exemption. Since the proposed rule would cover all intermittent streams, § 816.57(c) no longer would be necessary and would be deleted.

Under existing paragraph (a), buffer zones need not be used where the requirements of § 816.43, which governs diversions of overland and shallow ground water flow and ephemeral streams, and § 816.44, which governs stream channel diversions, will be met. The proposed rule would allow the exemption when only § 816.44 requirements are met. Because the proposed rule would apply only to intermittent and perennial streams, which are specifically covered by § 816.44, the reference to the regulation governing diversions of overland and shallow ground water flow and ephemeral streams is unnecessary and would be deleted from § 816.57.

Under the existing § 816.57(a)(1) an operator need not use buffer zones where the regulatory authority finds that

the original stream channel will be restored and that the water quality and quantity in the stream section within 100 feet of the mine will not be harmed. The proposed revision would not require that the original stream channel be restored, but rather, that important characteristics of the stream channel as outlined in existing § 816.44(d) be restored. Thus, the final stream channel would not have to be in the same location or precisely duplicate the original channel.

The proposed paragraph (a)(2) would allow the exemption where the water quality and quantity would not be harmed as determined by State and Federal water quality standards. The reference to State and Federal water quality standards would ensure that the physical and chemical as well as biological integrity of the stream will be maintained in accordance with the standards of the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.* The requirement to prevent harm to the stream within 100 feet of the mining would be deleted. OSM anticipates that rules applicable to evaluating compliance with water quality standards will be sufficient to ensure adequate stream protection.

Section 816.57(b) would be modified only slightly to provide that it is the operator who must designate the area not to be disturbed as a buffer zone and mark it as specified in § 816.11.

B. Fish, Wildlife and Related Environmental Values

Section 816.97(a) sets the basic performance standards requiring operators to use the best technology currently available to minimize harm to fish, wildlife, and related environmental values and to enhance such resources where practicable. This paragraph would be reworded for clarity, but no substantive change is intended.

Existing § 816.97(b) requires the operator to report to the regulatory authority any critical habitat of a species listed as threatened or endangered under the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*, any species listed by the State as endangered or threatened, or any bald eagle, of which the operator becomes aware.

Proposed § 816.97(b) would provide that mining cannot be conducted if it is likely to jeopardize the continued existence of species listed under ESA or to harm the designated critical habitat of such species. It also would continue to require that the operator must promptly report any endangered or threatened species listed by the Secretary in accordance with ESA. The requirement to report species listed by the State,

however, would be deleted. OSM feels that this is a matter of State law and can be included in a particular State program or Federal program for a State if appropriate. The requirement to report critical habitats would also be deleted, since these areas are defined through regulation and would be readily identifiable in the permitting process as set forth in § 786.19(o). Specific reporting requirements for golden eagles are proposed to be included in paragraph (c) rather than (b) and are discussed in more detail below.

In proposed paragraph (b) if a threatened or endangered species is identified at a site, then the regulatory authority would have to consult with State and Federal fish and wildlife agencies and determine whether mining may proceed. This consultation is not intended to be the formal consultation required by Section 7 of ESA when a Federal agency takes an action which may harm endangered species.

Commenters on preproposed drafts of this rule indicated that the Secretary should not impose ESA requirements through the Surface Coal Mining and Reclamation Regulatory Program upon State regulatory authorities. The proposed rule would reject these comments based upon OSM's interpretation of its responsibility under the ESA, which provides that Federal agencies must utilize their authorities in furtherance of its purposes by carrying out programs for the conservation of endangered or threatened species and by ensuring that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat of such species (see also 50 CFR Part 17).

Proposed § 816.97(c) would require operators to report golden eagle nests to the regulatory authority. The regulatory authority would then have the responsibility to consult with the Federal Fish and Wildlife Service and State fish and wildlife agencies. Under proposed paragraph (c) no surface mining operation could be conducted which would result in the unlawful taking of a golden eagle nest. This proposal is an attempt to clarify the relationship between the Bald Eagle Protection Act (16 U.S.C. 668 *et seq.*) and the Surface Mining Act. Some western States have reported eagles nesting in mining areas prior to completion of reclamation. The 1978 amendment to the Bald Eagle Protection Act allows the taking of certain golden eagle nests which interfere with resource

development or recovery operations. When regulations under the Bald Eagle Protection Act become effective, the U.S. Fish and Wildlife Service will be authorized to permit the taking of inactive or abandoned golden eagle nests, under certain circumstances.

Proposed § 816.97(d) is new and would provide that nothing in 30 CFR Chapter IV authorizes the taking of any endangered or threatened species, golden eagles or golden eagle nests in violation of ESA or the Bald Eagle Protection Act, as amended.

Paragraph (c) of the existing rule requires operators to ensure that electric power lines related to the mine meet certain criteria intended to protect large birds. This requirement would not be included in the proposed rule. OSM believes it is implicit in the requirement in paragraph (a) to use the best technology currently available to protect wildlife. OSM plans to develop a manual that will assist the operator in preparing a fish and wildlife protection plan that will incorporate site-specific measures for fish and wildlife protection.

Paragraph (d) of the existing rules sets specific requirements to protect wildlife. Paragraph (d)(1), which requires that haul roads be located and used in such a way as to minimize harm to important fish and wildlife and other protected species, would be deleted. OSM considers it to be redundant, as the general performance standard in paragraph (a) implies such a requirement.

Existing paragraph (d)(2) requires that roadways be fenced where specified by the regulatory authority to guide wildlife to overpasses and underpasses. It also requires that no new barriers be created to known important wildlife migration routes. These requirements would be deleted. OSM does not feel that it is effective to provide in a rule that is national in scope specific requirements for fencing of roadways. The need to protect migration routes is limited to certain areas of the United States, primarily in the West. Each State regulatory authority would, under the proposed rule, be required and have the authority to develop guidelines or impose requirements on a local basis under the best technology requirement in paragraph (a) to provide protection for migratory species encountered within the State.

Existing paragraph (d)(3), which requires that operators fence or otherwise block wildlife from ponds containing toxic materials, is proposed to be deleted. As in the requirement for fencing of roads, OSM does not feel that it is effective to provide in a national

rule specific requirements for fencing of ponds. There is no known practicable technology for precluding most small animals from using ponds and there are only infrequent reports of large animals being harmed by the use of ponds affected by mining operations. Where local problems have been encountered with respect to the protection of fish and wildlife from adverse impacts of pond use, the regulatory authority, under the proposed rule, would be required and have sufficient authority under the requirements of paragraph (a) to impose a fencing requirement. OSM is specifically requesting comment on whether these requirements in paragraph (d)(1), (d)(2) and (d)(3) should be retained in the rules.

Paragraph (d)(4) of the existing rule requires operators to protect habitats of unusually high value for fish and wildlife. Paragraph (d)(5) requires that they protect natural riparian vegetation on the banks of streams, lakes, and other wetland areas. Paragraph (d)(10) of the existing rule requires that wetlands are to be preserved or created.

Existing paragraphs (d)(4), (d)(5) and part of (d)(10) would be revised and combined in a new paragraph (e). Proposed § 816.97(e) would provide that operators must protect wetlands, riparian vegetation along rivers and streams, and littoral zone vegetation bordering ponds and lakes, and would require operators to protect habitats of unusually high value to fish and wildlife. The language would be clarified to specify the littoral zone bordering ponds and lakes rather than the riparian zone, since this term is more scientifically accurate. No substantive change is intended by this change in terminology. No definition is provided for what would constitute a habitat of unusually high value for fish and wildlife. This determination would depend upon the conditions in the region where the mining is located. Features that should be considered in making this determination would include such items as special shelter areas, areas providing special protection for reproduction, gestation, parturition and nursery, feeding, resting and wintering areas.

Existing paragraph (d)(10) requires that where the postmining land use is to be cropland and the premining use was fish and wildlife, the operator is to intersperse the fields with trees, hedges, and fence rows for wildlife habitat. This requirement would be moved to proposed § 816.97(g) and reworded. The proposed rule would apply to all cases where the postmining land use is to be cropland, not just those which were diverted from a premining fish and wildlife use.

Finally, the requirement in existing § 816.97(d)(10), that wetlands be preserved or created would be reworded and incorporated in proposed paragraph (e) for both §§ 816.97 and 817.97. This requirement is not part of existing § 817.97(d)(10). There is no reason for such differing treatment of surface and underground mining. The proposal would provide that operators shall avoid disturbances to, enhance where practicable, or restore or replace wetlands. The proposed rule would continue the concept of the existing rule that wetlands should not be permanently abolished and that when wetlands are harmed by mining, equivalent wetlands are to be created to replace them.

OSM specifically requests comments on whether any additional provision beyond what is required by the U.S. Army Corps of Engineers permitting processes under Section 10 of the Rivers and Harbors Act, 33 U.S.C. 403, and Section 404 of the Clean Water Act, 33 U.S.C. 1344, is required for the protection of wetlands, and whether this § 816.97(e) is necessary or appropriate, considering the U.S. Army Corps of Engineers regulation of this area.

Section 816.97(d)(6), which requires operators to protect aquatic communities by avoiding or restoring streams channels, would be deleted because this section merely repeats the requirements of §§ 816.44, and 816.57.

Existing paragraph (d)(7), which forbids the use of persistent pesticides unless the regulatory authority approves them, would be deleted because OSM believes that the U.S. Environmental Protection Agency adequately addresses restrictions on the use of pesticides. See 40 CFR Parts 162-180.

Existing paragraph (d)(8), which requires that fires be prevented to the extent possible unless the regulatory authority approves them, would be deleted because this requirement is implicit in the more general requirement of Paragraph (a). The potential for coal refuse fires is addressed in 30 CFR 816.86. Specific nationwide regulation of other fires under the Act is not considered necessary.

The wording of paragraph (d)(9) would be revised for ease of understanding, and this requirement would be redesignated as new paragraph (f). No substantive change is intended.

Paragraph (d)(11) of the existing rule requires that where the primary postmining land use is to be residential, public service, or industrial, the operator must intersperse the land with greenbelts. Proposed paragraph (h)

would apply this greenbelt requirement where the postmining land use is to be residential, commercial, or industrial. The substitution of the word "commercial" for "public service" is proposed because "commercial" has a more commonly accepted meaning among planners when designating a specific category of land use.

IV. Procedural Matters

The DOI has also determined pursuant to the Regulatory Flexibility Act, 5 U.S.C. *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities. The proposed rules would allow small coal operators increased flexibility in meeting performance standards and should especially ease the regulatory burden on small coal operators in Appalachia.

The information collection requirements in existing 30 CFR Parts 816 and 817 were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned new clearance numbers 1029-0047 and 1029-0048 on April 1, 1981. This approval was identified in notes at the introduction to 30 CFR Parts 816 and 817 under the old number RO 618 and RO 619 (all under No. B-190462). OSM would delete those notes and codify the OMB approvals under the new §§ 816.10 and 817.10. The information required by 30 CFR Parts 816 and 817 would be used by the regulatory authority in monitoring and inspecting surface and underground mining activities to ensure that they are conducted in a manner which preserves and enhances environmental and other values of the Act. This information required by 30 CFR Parts 816 and 817 is mandatory.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

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 Record at the address listed in the "Addresses" section of this 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 rulemakings under the Act. This cumulative EA also will be completed before this rule is made final.

Accordingly, 30 CFR Parts 816 and 817 are proposed to be amended as set forth herein.

Dated: February 26, 1982.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

PART 816—PERMANENT REGULATORY PROGRAM-SURFACE MINING ACTIVITIES

1. Section 816.57 is revised to read as follows:

§ 816.57 Hydrologic balance: Stream buffer zones.

(a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by surface mining activities, unless the regulatory authority specifically authorizes surface mining activities closer to or through such a stream. The regulatory authority may authorize such activities only upon finding that—

(1) Any temporary or permanent stream channel diversion will comply with § 816.44, and

(2) Surface mining activities will not adversely affect the water quantity and quality of the stream as determined by State and Federal water quality standards.

(b) The operator shall designate the area not to be disturbed as a buffer zone and mark it as specified in § 816.11.

2. Section 816.97 is revised to read as follows:

§ 816.97 Protection of fish, wildlife, and related environmental values.

(a) The operator shall, to the extent possible using the best technology currently available, minimize disturbances and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable.

(b) *Endangered and threatened species.* No surface mining operation shall be conducted which is likely to jeopardize the continued existence of endangered or threatened species listed by the Secretary, or result in the destruction or adverse modification of designated critical habitats of such species. The operator shall promptly report to the regulatory authority any endangered or threatened species within the permit area of which the operator becomes aware. Upon notification, the regulatory authority shall consult with appropriate State and Federal fish and wildlife agencies and, after consultation, shall identify whether and under what conditions the operator may proceed.

(c) *Golden eagle nests.* No surface mining operation shall be conducted in a

manner which would result in the unlawful taking of a golden eagle nest. The operator shall promptly report to the regulatory authority any golden eagle nest within the permit area of which the operator becomes aware. Upon notification, the regulatory authority shall consult with the U.S. Fish and Wildlife Service and also, where appropriate, the State fish and wildlife agency and, after consultation, shall identify whether and under what conditions the operator may proceed.

(d) Nothing in this chapter shall authorize the taking of an endangered or threatened species, or a golden eagle nest in violation of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*, or the Bald Eagle Protection Act, 16 U.S.C. 668 *et seq.*, as amended.

(e) *Wetlands and habitats of unusually high value for fish and wildlife.* The operator conducting surface mining activities shall avoid disturbances to, enhance where practicable, restore, or replace wetlands, riparian vegetation along rivers and streams, and littoral zone vegetation bordering ponds and lakes. Surface mining activities shall avoid disturbances to, enhance where practicable, or restore habitats of unusually high value for fish and wildlife.

(f) Where fish and wildlife habitat is to be a postmining land use, the plant species to be used on reclaimed areas shall be selected based on the following criteria—

(1) Their proven nutritional value for fish or wildlife,

(2) Their use as cover for fish or wildlife, and

(3) Their ability to support and enhance fish or wildlife habitat after the release of performance bonds. The selected plants shall be grouped and distributed in a manner which optimizes edge effect, cover, and other benefits to fish or wildlife.

(g) Where cropland is to be the postmining land use, and where appropriate for wildlife and crop management practices, the operator shall intersperse the fields with trees, hedges, or fence rows throughout the harvested area to break up large blocks of monoculture and to diversify habitat types for birds and other animals.

(h) Where residential, commercial, or industrial uses are to be the postmining land use, and where consistent with the approved postmining land use, the operator shall intersperse reclaimed lands with greenbelts utilizing species of grass, shrubs, and trees useful as food and cover for wildlife.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS; UNDERGROUND MINING

3. Section 817.57 is revised to read as follows:

§ 817.57 Hydrologic balance: Stream buffer zones.

(a) No land within 100 feet of a perennial stream or an intermittent stream shall be disturbed by underground mining activities, unless the regulatory authority specifically authorizes underground mining activities closer to or through such a stream. The regulatory authority may authorize such activities only upon finding that—

(1) Any temporary or permanent stream channel diversion will comply with § 817.44, and

(2) Underground mining activities will not adversely affect the water quantity and quality of the stream as determined by State and Federal water quality standards.

(b) The operator shall designate the area not be disturbed as a buffer zone and mark it as specified in § 817.11.

4. Section 817.97 is revised to read as follows:

§ 817.97 Protection of fish, wildlife, and related environmental values.

(a) The operator shall, to the extent possible using the best technology currently available, minimize disturbances and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable.

(b) *Endangered and threatened species.* No underground mining operation shall be conducted which is likely to jeopardize the continued

existence of endangered or threatened species listed by the Secretary, or result in the destruction or adverse modification of designated critical habitats of such species. The operator shall promptly report to the regulatory authority any endangered or threatened species within the permit area of which the operator becomes aware. Upon notification, the regulatory authority shall consult with appropriate State and Federal fish and wildlife agencies and, after consultation, shall identify whether and under what conditions the operator may proceed.

(c) *Golden eagle nests.* No underground mining operation shall be conducted in a manner which would result in the unlawful taking of a golden eagle nest. The operator shall promptly report to the regulatory authority any golden eagle nest within the permit area of which the operator becomes aware. Upon notification, the regulatory authority shall consult with the U.S. Fish and Wildlife Service and also, where appropriate, the State fish and wildlife agency and, after consultation, shall identify whether and under what conditions the operator may proceed.

(d) Nothing in this chapter shall authorize the taking of an endangered or threatened species, or a golden eagle nest in violation of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*, or the Bald Eagle Protection Act, 16 U.S.C. 668 *et seq.*, as amended.

(e) *Wetlands and habitats of unusually high value for fish and wildlife.* The operator conducting underground mining activities shall avoid disturbances to, enhance where practicable, restore, or replace wetlands, riparian vegetation along

rivers and streams, and littoral zone vegetation bordering ponds and lakes. Underground mining activities shall avoid disturbances to, enhance where practicable, or restore habitats of unusually high value for fish and wildlife.

(f) Where fish and wildlife habitat is to be a postmining land use, the plant species to be used on reclaimed areas shall be selected based on the following criteria—

(1) Their proven nutritional value for fish or wildlife,

(2) Their use as cover for fish or wildlife, and

(3) Their ability to support and enhance fish or wildlife habitat after the release of performance bonds. The selected plants shall be grouped and distributed in a manner which optimizes edge effect, cover, and other benefits to fish or wildlife.

(g) Where cropland is to be the postmining land use, and where appropriate for wildlife and crop management practices, the operator shall intersperse the fields with trees, hedges, or fence rows throughout the harvested area to break up large blocks of monoculture and to diversify habitat types for birds and other animals.

(h) Where residential, commercial, or industrial uses are to be the postmining land use, and where consistent with the approved postmining land use, the operator shall intersperse reclaimed lands with greenbelts utilizing species of grass, shrubs, and trees useful as food and cover for wildlife.

(30 U.S.C. 1201 *et seq.*, 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 688 *et seq.*, as amended)

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**Tuesday
March 30, 1982**

Part III

Department of the Interior

**Office of the Secretary
Bureau of Land Management**

Leasing of Minerals Other Than Oil and Gas; General; Amendment of Existing Regulations To Clarify and Streamline Provisions

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 23

Bureau of Land Management

43 CFR Parts 3500, 3510, and 3520

Leasing of Minerals Other Than Oil and Gas; General; Amendment of Existing Regulations To Clarify and Streamline Provisions

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking will streamline several provisions of the existing regulations on leasing of minerals other than oil and gas and make them easier to understand. In addition, it will update a number of provisions, including the minimum royalty rates.

DATES: Comments should be submitted by May 14, 1982.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert M. Anderson, (202) 343-8537.

SUPPLEMENTARY INFORMATION: 43 CFR Part 3500 was revised on December 26, 1976, July 19, 1979 and May 28, 1980. The July 19, 1979 amendments removed the provisions for coal leasing and the 1976 amendments added a new section on the procedures for obtaining prospecting permits and preference right leases. The preamble to the 1976 regulation also stated that the definition of "chiefly valuable" and the addition of regulations pertaining to hardrock leasing under the Reorganization Plan would be completed sometime in the future. The amendments made on May 28, 1980, related to minimum royalty payments to be made in lieu of minimum production.

This proposed amendment will further address these issues with the intent of easing the administrative burdens on both the industry and the United States, without loss of environmental protection, and with added provisions for increased application fees, rentals and bonds and simplified procedures for determination of minimum royalty.

In earlier revisions, it was suggested that the Bureau of Land Management return to its former system of regulating

by commodity rather than combining several commodities in one regulation, as is the current practice. This proposal is again being considered because it is often difficult to relate a specific requirement in the regulations to a specific mineral commodity. The public is asked to comment on this. If the decision is made to return to regulating by commodity, it will involve completely rewriting the regulations and will be undertaken sometime in the future.

The existing title of the 43 CFR Part 3500 regulations does not reflect the fact that coal is no longer covered by this part. Therefore, the title of this part would be changed by this proposed rulemaking.

Specifically, this proposed rulemaking would: (1) Change the procedure to be followed and information required in the Preference Right Lease Application/Approval; (2) define, for the first time, the term "chiefly valuable"; (3) amend the method of determining minimum royalty; (4) increase application fees from \$10 to \$25; (5) provide for an extension of time for the prospecting of hardrock minerals; and (6) increase the bonding requirement from \$5,000 to \$10,000.

This proposal would also obviate the need for 43 CFR Part 23—Surface Exploration, Mining and Reclamation of Lands—as that is a duplication of the requirements of the National Environmental Policy Act. The purpose of Part 23 was to ensure that adequate measures be taken to avoid, minimize or correct damage to the environment—land, water and air—and to avoid, minimize, or correct hazards to the public health and safety. Part 23 was instituted before the enactment of the National Environmental Policy Act. The concept of technical examinations has been subsumed into the environmental assessment or EIS process. The requirements of the performance standards in Part 23 are either established routinely as mitigating measures in the NEPA process or imposed as conditions in the approval of mining operations under the lease, or both, under the Minerals Management Service operating regulations (30 CFR Part 231). This deletion also applies to operations under the Materials Act of 1947, chiefly sand and gravel sales (30 U.S.C. 601-604 and 23 U.S.C. 317). As with mining operations under a lease the EA or EIS process before a material contract is entered, and the stipulations or conditions in the contracts governing the manner of mining and its impacts, make these provisions unnecessary. This proposal is being made in conjunction with revisions to 43 CFR Part 3600 which are being considered by

the Department of the Interior but have not yet been proposed. Final rulemaking on this aspect of Part 23 may await a proposal on 43 CFR Part 3600.

The amendments will be discussed in the order in which they occur. Only the substantive amendments will be noted here. Deletions and editorial changes made for the sake of clarity and to eliminate duplication are not discussed.

The definition of "valuable deposit" contained in § 3520.1-1(c) would be moved to § 3500.0 5(d). The proposed rulemaking would establish as the criterion for a valuable deposit a showing that there is a reasonable prospect of success in developing a valuable mine. This criterion does not require a demonstrated certainty that a valuable mine can be developed. The proposed definition recognizes that the Federal Government retains the ownership of the resource, including responsibility for ensuring proper rehabilitation of mined lands, and will receive royalties for the extraction of the minerals. Therefore, determining what is a valuable deposit should not be and was never intended by the Congress to be, as stringent as the standard used for adjudicating mining claims, where the lands and their resources pass into private ownership.

A definition of "chiefly valuable" would also be added. This term appears in the law and is applicable in all cases involving sodium, potassium and sulfur deposits.

Environmental considerations would be placed at the beginning of the regulations by the addition of a new § 3500.3. This new section would replace all the requirements in the existing § 3521.1-4.

Application fees and rentals would be increased in those instances where allowed by law. The minimum royalty requirements of § 3503.3-2(b) would also be modified to require definite periodic incremental increases every five years instead of annual adjustments which are based on Producer Price Indices (Department of Labor, Bureau of Labor Statistics). The present method is time consuming and costly to administer. Some mineral commodities are not included in the statistics, and a major problem is the difficulty in determining a realistic weighted average when a lease contains varying percentages of several mineral commodities and the percentage of each commodity is difficult to ascertain. The proposed change will expedite the processing of lease applications and readjustments.

In § 3511.3, the proposed rulemaking would extend the time given for the exploration of "hardrock minerals", or

those minerals in acquired lands that would ordinarily be locatable under the mining laws. A longer time is generally necessary to determine the existence of a valuable deposit because hardrock minerals often occur as "veined" or "pod" type deposits which cannot be as easily located or delineated.

Section 3520.1-1 has been expanded to allow Preference Right leases of "hardrock" minerals on acquired lands and to allow Preference Right leasing for gilsonite (including all vein type solid hydrocarbons).

The requirements in subpart 3521 for proof of discovery would be modified to make the required proof consistent with the definition of valuable deposit and eliminate duplicative requirements. This is expected to expedite processing of preference right lease applications.

Subpart 3526 would be amended to authorize "hardrock minerals" along with the other solid minerals as being eligible for exchange.

No changes would be made by this proposed rulemaking beyond Subpart 3541. However, the Bureau of Land Management will accept any comments on any parts or sections of 43 CFR Part 3500 for consideration for inclusion in the final regulations when they are adopted or for inclusion in subsequent revisions.

As indicated in the notice of intent to proposed rulemaking published in the Federal Register on December 31, 1981 (46 FR 63331), consideration is being given to publishing a separate proposed rulemaking for oil shale, in which case that mineral would be deleted from this regulation. The public is asked to comment on this change.

The principal author of this proposed rulemaking is Robert M. Anderson of the Division of Mineral Resources, Bureau of Land Management, assisted by the staff of the Minerals Management Service.

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 effect on a substantial number of small entities.

The information collection requirements contained in 43 CFR Part 3500 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 the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 351-359), and Reorganization Plan No. 3 of 1946, it is proposed to amend Part 23, Subtitle A, Parts 3500, 3510 and 3520, Group 3500, Subchapter C, Chapter II of title 43 of the Code of Federal Regulations as set forth below:

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 23—SURFACE EXPLORATION, MINING AND RECLAMATION OF LANDS (REMOVED)

1. Part 23 is removed.

CHAPTER II—BUREAU OF LAND MANAGEMENT

1a. The title of Part 3500 is revised to read:

PART 3500—LEASING OF SOLID MINERALS OTHER THAN COAL

2. Section 3500.0-5 is amended by:
A. Revising paragraph (b) to read:

§ 3500.0-5 Definitions.

(b) *Mining Supervisor*. The Mining Supervisor is the District Mining Supervisor of the Minerals Management Service in the district in which the lands under permit or lease are situated; and

B. Adding new paragraphs (d) and (e) to read:

(d) *Valuable deposit*. A valuable deposit is a deposit of a character that justifies further expenditure of means and labor with a reasonable prospect of success in developing a valuable mine. For the purposes of this part, the term does not require the same criteria for success that are required for patenting of a mining claim; and

(e) *Chiefly valuable*. Deposits of sodium, sulphur and potassium are chiefly valuable when their monetary value exceeds the value of other minerals contained in the beds to be mined and the mining of such beds will not materially interfere with the extraction of other valuable mineral deposits above and below said beds.

3. Section 3500.1-1 is revised to read:

§ 3500.1-1 Public domain and acquired minerals.

The Mineral Leasing Act, as amended and supplemented, the Acquired Lands Leasing Act and the Reorganization Plan provide for the issuance of prospecting

permits and leases of phosphate deposits, including associated and related minerals; chlorides, sulphates, carbonates, borates, silicates or nitrates of sodium, or potassium; magnesium, aluminum or calcium associated with potassium deposits; minerals in acquired lands which would be subject to location under the United States mining laws if located in public domain lands; gilsonite (including all vein type solid hydrocarbons); sulphur in the States of Louisiana and New Mexico; and certain minerals on certain lands as set forth in Part 3560 of this title.

4. Adding a new § 3500.3 to read:

§ 3500.3 Environmental considerations.

(a) Before a permit or lease is issued, the authorized officer or the appropriate surface managing agency shall prepare the appropriate documentation required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in coordination with the Minerals Management Service.

(b) If the authorized officer or appropriate surface managing agency determines that an environmental impact statement is required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), a statement shall be prepared prior to the decision whether to issue the permit or lease.

§ 3501.1-2 [Amended]

5. Section 3501.1-2(b) is amended by removing subparagraph (2) in its entirety.

§ 3501.1-4 [Amended]

6. Section 3501.1-4(b) is amended by:

A. Amending subparagraph (2) by inserting after the phrase "5120 acres" the phrase "in any one State" and by adding at the end of the subparagraph the sentence "Exceptions—See § 3524.1-3(b)(i) through (iii) of this title."; and

B. Revising § 3501.1-4(b)(5) to read:

(b) * * *

(5) Gilsonite (including all vein type hydrocarbons). A lease may not include more than 5120 acres. Holdings of gilsonite permits and leases may not include more than 7680 acres in any one State irrespective of the number of leases.

§ 3501.2-1 [Amended]

7. Section 3501.2-1(c) is amended by removing the semicolon at the end of the paragraph and adding the phrase "and the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.);".

8. Section 3501.2-6 is amended by:

A. Revising paragraph (a) to read:

§ 3501.2-6 Consent of administering agency.

(a) *Jurisdiction of lands.* Competitive leases or leases issued under Subpart 3526 of this title or prospecting permits may be issued only with the consent of the head or other appropriate official of the executive department, independent establishment or instrumentality having jurisdiction over the lands containing the deposits, or holding a mortgage or deed of trust secured by such lands, and subject to such conditions as that official may prescribe to ensure adequate utilization of the lands for the primary purpose for which they were acquired or are being administered; and

B. Amending the third full sentence in paragraph (d) by inserting a comma after the phrase "Any lease".

§ 3502.2 [Amended]

9. Section 3502.2 is amended by removing the words "be/she" and replacing them with the words "he/she".

10. Section 3503.1-2 is revised to read:

§ 3503.1-2 Where remitted.

(a) *Rentals.* Prior to the commencement of production or minimum royalty, rentals are payable to the appropriate Bureau of Land Management State office and the remittance shall be made payable to the Bureau of Land Management. Thereafter, rentals are payable to the appropriate Minerals Management Service office and remittances shall be made payable to the Minerals Management Service.

(b) *Production royalty and minimum annual royalty.* Production royalty and minimum annual royalty payments are payable to the appropriate Minerals Management Service office. All remittances shall be made payable to the Minerals Management Service.

§ 3503.2-1 [Amended]

11. Section 3503.2-1 is amended by removing the word "licenses", and by removing the figure "\$10" and replacing it with the figure "\$25".

§ 3503.3-1 [Amended]

12. Section 3503.3-1 is amended by:

A. Amending paragraph (a) by removing the figure "25" and replacing it with the figure "50";

B. Revising paragraph (b)(1) to read:

(b) *Leases.*—(1) *Phosphate.* Annual rental for phosphate leases shall be \$1 per acre or fraction thereof per year. The rental paid for any year shall be

credited against the royalties for that year;

C. Amending paragraphs (b)(4) and (b)(5) by adding at the end thereof the sentence "The rental paid for any year shall be credited against the royalties for that year."; and

D. Removing paragraph (d) in its entirety.

§ 3503.3-2 [Amended]

13. Section 3503.3-2 is amended by:

A. Revising the title of the section to read "§ 3503.3-2 General Statement Royalties and Overriding Royalties."; and

B. Revising paragraph (b) to read:

(b) *Minimum royalty.* (1) At the request of the lessee, the mining supervisor may authorize the payment of minimum royalty in lieu of production. For any particular lease year, minimum royalty payments shall be credited to production royalties for that year.

(2) Leases issued on or after June 27, 1980, shall require an advance annual minimum royalty payment of \$2 per acre per year beginning with the 6th anniversary of the lease and running through the 10th year of the lease, \$3 per acre per year beginning with the 11th anniversary of the lease and running through the 15th year of the lease and \$4 per acre per year beginning with the 16th anniversary and running through the 20th year of the lease and thereafter if the lease is renewed or readjusted.

(3) Leases issued prior to the effective date of these regulations which are renewed or readjusted after the effective date shall require an advance minimum annual royalty of \$3 per acre per year beginning with the next anniversary date after the lease is renewed or readjusted and shall continue at the rate of \$3 per acre per year for a period of 5 years and shall be \$4 per acre per year thereafter.

(4) Leases renewed or readjusted prior to June 27, 1980, shall not be affected until the next lease renewal or readjustment.

(5) Leases renewed or readjusted between June 27, 1980, and the effective date of these regulations shall require an advance minimum royalty of \$3 per acre beginning with the anniversary which follows the effective date of these regulations, shall continue at that rate for 5 years and be increased to \$4 per acre thereafter.

C. Amending the title of paragraph (c)(3) by removing the word "Phosphate";

D. Revising paragraph (d) to read:

(d) *Waiver, suspension or reduction of rental, minimum royalty or royalties.* (1) In order to encourage the greatest ultimate recovery of the leased minerals and in the interest of conservation, whenever the Secretary determines it is necessary to promote development or finds that leases cannot be successfully operated under the terms provided therein, the rental or minimum royalty payments may be waived, suspended or reduced, or the royalty reduced.

(2) An application for any of the above benefits shall be filed in duplicate in the office of the mining supervisor. The application shall contain the serial number of the lease, the name of the Bureau of Land Management office, the name of the record title holder and the operator or sublessee and a description of the lands by legal subdivision.

E. Amending paragraph (e)(1) by removing the word "triplicate" and replacing it with the word "duplicate";

F. Amending paragraph (e)(3) by removing from the first sentence the phrase "in the direction or assent of the Secretary" and by adding at the end of the third sentence the phrase "or upon expiration of suspension, whichever occurs first"; and

G. Removing paragraph (e)(6) in its entirety.

14. Section 3504.1-1 is revised to read:

§ 3504.1-1 Statement.

(a) The following forms of bond shall be furnished:

- (1) Corporate or surety bond;
- (2) Cash; or

(3) Personal bonds secured by negotiable U.S. bonds of a par value at least equal to the amount of the required surety bond, together with a power of attorney executed on a form approved by the Director, Bureau of Land Management.

(b) The applicant shall file the bond in the proper Bureau of Land Management office within 30 days of receiving notice. The bond shall be furnished on a form approved by the Director, Bureau of Land Management.

(c) The bonding obligation for a new lease may be met by an adjustment to an existing bond covering another lease within the same mining unit.

§ 3504.1-2 [Amended]

15. Section 3504.1-2 is amended by:

A. Amending paragraph (a) by removing from the first sentence the phrase "with approved corporate surety in the sum of \$2,000 will" and replacing

it with the phrase "in the sum of \$2,000 shall"; and

B. Amending paragraph (c) by removing the phrase "with acceptable corporate surety, or two qualified individual sureties,".

16. Section 3504.2-1 is revised to read:

§ 3504.2-1 Compliance bonds.

(a) *Permit bond—Amount.* The applicant shall furnish a bond conditioned upon compliance with all terms of the prospecting permit issued pursuant to applications filed under this part. The bond shall be in an amount determined by the authorized officer, but not less than \$1,000.

(b) *Lease bond—Amount.* A lessee shall furnish a bond conditioned upon compliance with all terms of any lease issued under this part. The bond shall be in the amount determined by the authorized officer, but not less than \$10,000. The authorized officer has the right to increase the amount of the bond when deemed proper.

§ 3504.2-2 [Amended]

17. Section 3504.2-2 is amended by inserting after the word "proper" the phrase "Bureau of Land Management".

18. Section 3504.2-5 is revised to read:

§ 3504.2-5 Termination of period of liability.

The authorized officer shall not consent to termination of the period of liability under the bond unless an acceptable substitute bond has been filed or until all terms and conditions of the permit or lease have been fulfilled.

§§ 3504.3-3504.3-5 [Removed]

19. Sections 3504.3, 3504.3-1, 3504.3-2, 3504.3-3, 3504.3-4 and 3504.3-5 are removed in their entirety.

20. Section 3504.5 is revised to read:

§ 3504.5 Statewide and nationwide bonds.

As soon as possible after the effective date of this subpart, the authorized officer shall notify those leaseholders who are in production and have statewide or nationwide bonds that they are required to secure separate bonds for each lease in an amount determined by the authorized officer.

§§ 3504.6, 3504.6-1 [Removed]

21. Sections 3504.6 and 3504.6-1 are removed in their entirety.

22. Section 3504.7-1 is revised to read:

§ 3504.7-1 Amount.

A lessee may furnish a collective bond in an amount not less than the total minimum coverage required if separate bonds on each lease were furnished.

23. Section 3504.8-2 is revised to read:

§ 3504.8-2 Penalty.

Thereafter, upon penalty of cancellation of all of the leases covered by such bond, the principal shall post a new collective bond within 6 months after notice, or within such shorter period as the authorized officer may deem appropriate.

§ 3504.8-4 [Amended]

24. Section 3504.8-4 is amended by removing the phrase "nationwide, statewide or".

§§ 3509, 3509.1 (Subpart 3509—Surface Management) [Removed]

25. Subpart 3509 (and the related 43 CFR Part 23 which was earlier removed) is removed in its entirety.

PART 3510—PROSPECTING PERMITS

26. Section 3510.0-3 is revised to read:

§ 3510.0-3 Authority.

Public domain and acquired lands. The Secretary is authorized to issue permits to prospect lands subject to the Mineral Leasing Act, as amended and supplemented, the Mineral Leasing Act for Acquired Lands and the Reorganization Plan as set forth in § 3500.1 of this title, except that prospecting permits for phosphate may not be issued unless the lands are unclaimed and undeveloped.

§ 3510.1-2 [Amended]

27. Section 3510.1-2 is amended by removing the phrase "or workability of, and commercial value of the" and replacing it with the word "valuable".

§ 3511.3-1 [Amended]

28. Section 3511.3-1(a)(1) is amended by adding a new subparagraph (iii) to read:

(a) * * *

(1) * * *

(iii) *Hardrock minerals.* Hardrock permits may be extended by the authorized officer for an additional period not to exceed 4 years.

29. Section 3511.3-1(b) is amended by revising subparagraph (1) to read:

(b) * * *

(1) The permittee has been unable with reasonable diligence to determine the existence of valuable deposits covered by the permit and desires to prosecute further the prospecting or exploration.

§ 3511.3-3 [Amended]

30. Section 3511.3-3 is amended by inserting after the phrase "the 2 years,"

the phrase "except as provided in § 3511.3-1(a) of this title,".

PART 3520—PREFERENCE RIGHT AND COMPETITIVE LEASES

31. Section 3520.1-1 is revised to read:

§ 3520.1-1 Preference right leases.

(a) *Phosphate, sodium, sulphur, potassium, hardrock minerals and gilsonite (including all vein type hydrocarbons).* The authorized officer shall issue a lease to the holder of a prospecting permit if the permittee shows that, within the term of the permit, he/she discovered a valuable deposit of the mineral for which the permit was issued, and in the case of potassium, sodium and sulphur permits that the land is chiefly valuable for said mineral.

(b) *Lease area.* The lease shall be for all or part of the lands embraced in the prospecting permit described in the application.

(c) *Applicability.* The requirements of paragraph (a) of this section shall apply to all applications filed after the effective date of this subpart and to applications pending on the effective date of this subpart.

32. Section 3520.2-1 is revised to read:

§ 3520.2-1 Duration of leases.

(a) Sodium asphalt in Oklahoma, and hardrock leases shall be issued for a twenty-year period subject to a right to renew for successive ten-year periods upon such terms and conditions as may be incorporated in each lease or prescribed in general regulations issued by the Secretary of the Interior, including covenants relative to mining and reclamation methods, waste, period of preliminary development and minimum production.

(b) Phosphate, potash and gilsonite leases shall be issued for an indeterminate period subject to readjustment, at the end of each twenty-year period thereafter, of such terms and conditions as may be incorporated in each lease or prescribed in general regulations issued by the Secretary of the Interior, including covenants relative to mining and reclamation methods, waste, period of preliminary development and minimum production.

33. Section 3521.1-1 is revised to read:

§ 3521.1-1 Requirements.

(a) An application for a preference right lease shall be filed in duplicate with the appropriate Bureau of Land Management office no later than 30 days after the permit expires. The application shall be accompanied by the first year's rental as required by § 3503.3-1(b) of

this title. No specific form is required. The application shall include the following information:

(1) The name and address of the applicant;

(2) Statement of citizenship and qualifications;

(3) A complete and accurate description of the lands to be included in the lease (See § 3501.1-3 of this title); and

(4) A statement of interests, direct or indirect, in other identified Federal leases, permits or applications therefor in the same State for the same mineral.

(b) The Bureau of Land Management shall submit a copy of the application to the Mining Supervisor.

(c) The Mining Supervisor shall determine if the permittee has discovered a valuable deposit, and in the case of sodium, sulphur or potassium, whether the deposit is chiefly valuable for the said mineral. The determination shall be based on data furnished to the Mining Supervisor by the permittee as required by 30 CFR Part 231 during the life of the permit and supplemental data submitted at the request of the Mining Supervisor, to determine the extent and character of the deposit, the anticipated mining and processing methods, the anticipated location, kind and extent of necessary surface disturbance, and measures to be taken to reclaim that disturbance.

(d) The authorized officer shall issue a lease to the permittee if the Mining Supervisor determines that the permittee has discovered a valuable deposit, and in the case of sodium, sulphur and potassium, the discovery is chiefly valuable for said mineral.

(e) The authorized officer shall reject the application and inform the permittee of the ground for the rejection if the Mining Supervisor determines that the permittee did not discover a valuable deposit, or in the case of sodium, sulphur or potassium, the discovery is not chiefly valuable for said mineral.

(f)(1) A permittee whose application is rejected may file a notice of appeal and statement of reasons for appeal in accordance with the procedures of 43 CFR Part 4.

(2) On alleging in an application facts sufficient to show entitlement to a lease, a permittee shall have a right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals.

(3) At the hearing, the permittee shall have both the burden of going forward and the burden of proof by a preponderance of the evidence that a valuable deposit of the minerals was discovered, and if the application is for a sodium, sulphur or potassium lease, that the lands are chiefly valuable for said mineral.

§§ 3521.1-3, 3521.1-4, and 3521.1-5 [Removed]

34. Sections 3521.1-3, 3521.1-4 and 3521.1-5 are removed in their entirety.

35. Section 3521.2-1 is revised to read:

§ 3521.2-1 Application or Bureau of Land Management motion.

Application—Forms. An application for a lease shall be filed in duplicate in the proper Bureau of Land Management office. No specific form is required. The application shall include the following:

(a) The name and address of the applicant;

(b) A statement of citizenship and qualifications;

(c) A complete and accurate description of the lands to be included in the lease (See § 3501.1-3 of this title); and

(d) Evidence that the lands are valuable for the mineral for which the application is made, with a statement as to the character, extent and mode of occurrence of the deposit.

36. Section 3521.2-1 is revised to read:

§ 3521.2-2 Qualifications.

(a) Compliance with Subpart 3502 is required.

(b) *Leasing units*—(1) If the authorized officer determines, after consultation with the mining supervisor, that there are specific lands or deposits which are not under an outstanding permit or application for preference right lease, but which constitutes an acceptable leasing unit, they shall be offered for lease on the terms and conditions to be specified in the notice of lease offer to the qualified person who offers the highest bonus by competitive bidding at not less than the fair market value of the mineral deposit either at public auction or by sealed bids as provided in the notice of lease offer.

(c) *Publication.* Notice of offer of lands or deposits for lease by competitive bidding shall be by publication once a week, or for such other period as may be deemed advisable by the authorized officer, in a newspaper of general circulation in the county in which the lands are situated.

§ 3521.2-5 [Amended]

37. Section 3521.2-5(a) is amended by removing from the next to the last sentence the phrase "will begin to" and replacing it with the word "shall".

§ 3521.3-2 [Amended]

38. Section 3521.3-2(a)(2) is amended by inserting a comma after the words "pro tanto".

§ 3522.1-2 [Amended]

39. Section 3522.1-2(d) is amended by removing the figure "(1)" and by deleting the words "leasing" and replacing it with the word "prospecting".

§ 3524.1-2 [Amended]

40. Section 3524.1-2(a) is amended by:

A. Adding a new subparagraph (3) to read:

(a) * * *

(3) *Fringe—acreage.* Any person, association or corporation holding acreage approximating 25,600 acres of Federal lands, may file an application showing that the lease deposits extend into adjoining or adjacent Federal lands and that the lands containing such reserves are a necessary and normal part of a mining unit, and seeking to have such adjoining or adjacent Federal lands designated a fringe-acreage that shall not be chargeable under § 3501.1-4(b)(1) of this title to leasehold acreage holding of the applicant. Such application shall be accompanied by a nonreturnable filing fee of \$25. The authorized officer may designate specific tracts by legal subdivisions, not to exceed 2,560 acres in all, as not chargeable to the applicant under § 3501.1-4(b)(1) of this title, upon determining, after consultation with the mining supervisor, that the application meets the requirements of this section and that such designation will result in the conservation of natural resources and will provide for economical and efficient recovery as a part of a mining unit"; and

B. Renumbering subparagraph (3) as subparagraph (4).

§ 3526.0-1 [Amended]

42. Section 3526.0-1 is amended by removing the phrase "or sulphur" and replacing it with the phrase "sulphur or hardrock minerals".

§ 3526.2 [Amended]

43. Section 3526.2 is amended by:

A. Revising paragraph (b) to read:

* * *

(b) *Showing on preference right.* The applicant for preference right lease shall show that he/she has previously submitted a timely mineral preference right lease application showing that he/she has discovered a valuable deposit (as defined in § 3500.0-5(e) of this title) of the permit mineral on the lands in question, and for sodium, sulphur or potassium, that the lands are chiefly valuable for said mineral.

B. Amending paragraph (d)(1) by removing the phrase "potash, or sulphur" and replacing it with the phrase "potassium, sulphur or hardrock minerals".

Garrey E. Carruthers,

Assistant Secretary of the Interior.

February 1, 1982.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws**Last Listing March 29, 1982**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 2254/Pub. L. 97-160 To temporarily extend the authority to conduct experiments in flexible schedules and compressed schedules under the Federal Employees Flexible and Compressed Work Schedules Act of 1978. (Mar. 26, 1982; 96 Stat. 21) Price: \$1.50.