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Presidential Documents

Title 3—

The President

Executive Order 12359 of April 22, 1982

Public International Organizations Entitled to Enjoy Privileges, Exemptions, and Immunities

By the authority vested in me as President of the United States of America by Section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), and having found that the United States participates in the following organizations, it is hereby ordered as follows:

Section 1. The Multinational Force and Observers, in which the United States participates pursuant to Section 138 of Public Law 97–51 and Public Law 97–132, is hereby designated as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

Sec. 2. The International Food Policy Research Institute, in which the United States participates pursuant to Section 301(h) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2221(h)), is hereby designated as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act; except those provided by Section 2(a), Section 2(b), Section 2(c), that portion of the last clause of Section 2(d) relating to official communications, and Section 7(b) of that Act (22 U.S.C. 288a(a), (b), (c), the last clause of (d) and 288d(b)).

Ronald Reagan

THE WHITE HOUSE,
April 22, 1982.

[FR Doc. 82–11504
Filed 4–23–82; 10:54 am]
Billing code 3195–01–M

Rules and Regulations

Federal Register
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Monday, April 26, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Amendment to Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends rules and regulations issued under the marketing order to temporarily change from 8 to 4 the minimum number of successive weeks during which picks are interrupted by District 2 handlers, before they may apply for a new prorate base. Such action recognizes crop conditions and the current and prospective marketing situation for lemons.

EFFECTIVE DATE: April 20, 1982, through July 31, 1982.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Acting Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This final rule temporarily changes from 8 to 4 the minimum number of successive weeks during which picks are interrupted by District 2 handlers, before they may apply for a new prorate base. Under provisions of the order, District 2 handlers eligible for a new prorate base may also apply for accelerated averaging of weekly picks and upward adjustments to receive additional allotment. Under the order a handler's weekly prorate is established on the basis of average weekly picks (quantities harvested and delivered to a packinghouse) during a prior period. Therefore, there generally is an incentive to pick. However, high winds in January seriously damaged and scarred fruit on the trees, making it unsuitable for fresh market. In addition, there is a reported oversupply of processed lemon products which has resulted in prices for processing lemons below costs. The amendment would afford handlers the opportunity to receive adjusted allotment to handle lemons on an accelerated basis without having to pick damaged fruit. The Lemon Administrative Committee recommended this amendment at its March 23, 1982 meeting, to be effective through the remainder of the 1981–82 marketing season which ends July 31, 1982.

This final rule which amends § 910.153(e)(2), is authorized by § 910.53(h), which provides that the number of weeks specified in § 910.53(f)(2) may be changed through informal rulemaking.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this final rule until 30 days after publication in the Federal Register (5 U.S.C. 553) in that the time intervening between the date when information upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the act is insufficient. This final rule relieves regulations on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this final rule effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Therefore, § 910.153(e)(2) in 7 CFR Part 910; Subpart—Lemon Administrative Committee Rules and Regulations is amended by adding a new sentence at the end of paragraph (e)(2).

§ 910.153 Prorate bases and allotments.

* * * * *

(e)(2) * * * Notwithstanding the provisions of this section any District 2 handler whose picks are interrupted for 4 successive weeks or more during the fiscal year ending July 31, 1982, may apply for a new prorate base, for accelerated averaging of weekly picks, and for upward adjustments as provided herein.

* * * * *

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

Dated April 20, 1982, to become effective April 20, 1982.

D. S. Kuryloski,

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

[FR Doc. 82–11308 Filed 4–23–82; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1446

1981 Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: Effective with respect to the 1981 crop of peanuts, this final rule sets forth: (1) The sales policy for peanuts received under price support loan or acquired by the Commodity Credit Corporation (hereinafter referred to as "CCC") under the 1981 Peanut Loan and Purchase Program and (2) other related

provisions. This rule is necessary to satisfy the statutory requirements of the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act") and the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: April 26, 1982.

FOR FURTHER INFORMATION CONTACT: Kenny Robison, Agricultural Economist, (ASCS), Analysis Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013 (202) 447–5188. The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments or geographical regions; or (3) 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.

It has been determined, after review of the regulations contained in 7 CFR 1446.31 through 1446.49 for need, currency, clarity, and effectiveness, that no additional changes need be made at this time in these regulations.

The title and number of the Federal assistance program that this final rule applies to are: Title—Commodity Loans and Purchases; Number—10.051, as found 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.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule 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 rule.

Section 407 of the Act provides that CCC may not sell peanuts at less than 105 percent of the support price plus reasonable carrying charges, except sales for new or by-product uses, extraction of oil, export, or prevention of deterioration or spoilage.

Section 359(j) of the Agricultural Adjustment Act of 1938 provides that subject to the provisions of Section 407 of the Act, additional peanuts received under price support loan may be sold for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus (1) 100 percent of the quota loan value if the additional peanuts are sold and paid for during the harvest season upon delivery by the producer, or (2) 105 percent of the quota loan value if the additional peanuts are sold after delivery by the producer but on or before December 31 of the marketing year, or (3) 107 percent of the quota loan value if the additional peanuts are sold later than December 31 of the marketing year.

A notice that the Secretary was preparing to make determinations with respect to the loan and purchase rates and the sales policy for 1981-crop peanuts was published in the **Federal Register** on December 24, 1980, (45 FR 85039).

In a press release issued on February 13, 1981, the Secretary announced that the loan and purchase rates and the CCC sales policy for 1981-crop peanuts would continue unchanged from the determinations made with respect to the 1980 crop of peanuts. The loan and purchase rates for the 1981 crop were published on July 20, 1981 (46 FR 37294). The purpose of this final rule is to affirm and codify the decision on the CCC sales policy announced on February 13, 1981.

Summary of Comments Received

The written comment period ended January 30, 1981. All comments received through this date were considered in making the final determination. There were 313 responses—3 from members of Congress; 23 from peanut grower organizations; 7 from local banks; 6 from State Governments; 251 from individuals; 8 from agribusinesses; 2 from area marketing associations; 1 from a county board of commissioners, and 5 from individuals not categorized by one of the preceding categories.

Twenty-six respondents commented on the CCC sales policy proposals. Sixteen respondents suggested that the price at which additional edible peanuts are sold for export should be established at the quota support rate plus handling costs. Eight respondents suggested no change in present rules (a minimum sales price of $20 per ton below quota loan rate). Two respondents suggested that the minimum CCC sales price for peanuts should be established at not less than $435 per ton.

Determinations

After taking into consideration the comments received, the following determinations are being made with respect to the CCC sales policy for the 1981 crop of peanuts. It has been determined that sales of both quota and additional peanuts for domestic edible use will be made at prices not less than those required to cover the costs specified in Section 359(j) of the Agricultural Adjustment Act of 1938 and Section 407 of the Act plus (1) not less than 105 percent of the quota loan value if the peanuts are sold after delivery by the producer but on or before December 31 of the marketing year, or (2) not less than 107 percent of the quota loan value if the peanuts are sold later than December 31 of the marketing year. Also, additional peanuts will be sold for domestic edible use at prices not less than those required to cover such costs plus 100 percent of the quota loan value if the peanuts are sold and paid for during the harvest season upon delivery by the producer. It has been further determined that sales of quota peanuts for export will be made at not less than all costs incurred plus 100 percent of the quota loan value. Sales of additional peanuts for export edible uses will be made at not less than $435 per ton. Sales of additional peanuts for export crushing only will be made at not less than all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus 100 percent of the additional loan value. Additional peanuts sold for export crushing will be required to be fragmented prior to export. Sales of quota and additional peanuts for domestic crushing only will be made by CCC at competitive prices. In such case, the use of the oil shall be restricted to domestic markets if the price of the peanuts from which the oil is produced is less than the applicable loan rate, plus costs.

List of Subjects in 7 CFR Part 1446

Loan programs—Agriculture, Peanuts, Price support programs, Warehouses.

Final Rule

PART 1446—PEANUTS

The material previously appearing in §§ 1446.31 through 1446.49 remains applicable to the 1980 crop. Effective for the 1981 crop of peanuts, the regulations at 7 CFR 1446.31 through 1446.49 and the

title of the subpart, are revised to read as follows:

Subpart—CCC Sales Policy on 1981-Crop Loan Collateral Peanuts

Sec.
1446.31 Applicability.
1446.32 Sales for domestic edible use.
1446.33 Sales for export.
1446.34 Sales for domestic crushing.
1446.35 through 1446.49. [Reserved]

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445c, 1421); sec. 359, 52 Stat. 31, as amended (7 U.S.C. 1359).

Subpart—1981 Peanut Loan and Purchase Program

§ 1446.31 Applicability.

The sales policy specified in this subpart shall apply to 1981-crop farmers stock peanuts in bulk or in bags, net weight basis, which are (a) owned by CCC, or (b) held by the respective producer associations on behalf of their members as part of the quota peanut price support of additional peanut price support pools.

§ 1446.32 Sales for domestic edible use.

Sales of peanuts for domestic edible use, including use as seed, will be made at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus, in the case of quota or additional peanuts, not less than 105 percent of the quota loan value for the 1981 crop of peanuts if sold after delivery by the producer but not later than December 31, 1981, or not less than 107 percent of the quota loan value for the 1981 crop of peanuts if sold later than December 31, 1981, or, in the case of additional peanuts only, 100 percent of the quota loan value if sold and paid for during the harvest season upon delivery by the producer.

§ 1446.33 Sales for export.

Sales of quota peanuts for export will be made at not less than all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus 100 percent of the quota loan value for the 1981 crop of peanuts. Sales for export of additional peanuts for edible uses will be made at not less than $435 per ton. Sales for export of additional peanuts for crushing only will be made at not less than all costs incurred with respect to such peanuts for such items as inspection, shrinkage, warehousing, and other expenses, plus 100 percent of the additional loan value for the 1981 crop of peanuts: *Provided*, That such peanuts shall be fragmented prior to export in accordance with the General Warehouse Price Support Regulations at 7 CFR Part 1446.

§ 1446.34 Sales for domestic crushing.

Sales of quota and additional peanuts for domestic crushing only will be made by CCC at competitive prices, and if such prices are less than all costs incurred plus the applicable loan value for 1981-crop quota or additional peanuts, the use of the oil produced from such peanuts will be restricted to domestic markets.

§ 1446.35–1446.49 [Reserved].

Signed at Washington, D.C., on April 20, 1982.

Everett Rank,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-11297 Filed 4-23-82; 8:45 am]
BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 82-038]

Importation of Horses; Mares From Countries Affected With CEM

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this document is to permit the importation of mares over 731 days of age from countries affected with contagious equine metritis (CEM) when surgery required to qualify such mares for importation in the country of origin is found to be incomplete. This action is needed to provide a means of importing such mares when this can be done without undue risk to the livestock of the United States. The effect of this action is to permit importation of certain mares over 731 days of age into the United States which would otherwise be refused entry.

DATES: The foregoing amendments shall become effective April 21, 1982. Comments must be received on or before June 25, 1982.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This interim rule has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action will not have an annual effect on the economy of $100 million or more; 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 a significant adverse effect on competition, employment or investment, productivity, innovation, or ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on mares over 731 days of age being imported into the United States, and should be made effective immediately in order to permit affected persons to move these mares into the United States without unnecessary restrictions.

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

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

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it is anticipated that it will affect only about 20 mares out of about 6,000 horses imported into the United States each year.

Background

On Friday, October 16, 1981, (46 FR 50930–50937) a document was published in the **Federal Register** which amended the regulations in 9 CFR Part 92, to provide for the importation of certain mares from countries affected with contagious equine metritis (CEM) when specific surgery, treatment, and cultures had been conducted under the direct supervision of the salaried veterinary officer of the country of origin who signed the health certificate.

One of the provisions, found at 9 CFR 92.2(i)(2)(v)(C), requires the surgical removal of the clitoral sinuses of such mares in the country of origin. This surgical procedure is new, difficult to perform, and difficult to evaluate. Some of the mares presented for importation under this provision have been found to have one or more complete or partial clitoral sinuses, even though they had been surgically treated and were accompanied by the required certificate.

Because of the severe hardship which would otherwise be imposed on the owners, the Deputy Administrator has, in some instances, exercised his discretion and allowed corrective surgery to be performed in this country, and has not required the horses to be removed from the United States. The Department believes that this policy can be continued without a significant risk of the introduction of CEM into the United States, but only if it is done under highly controlled circumstances. Accordingly, the Department is amending the regulations to allow corrective surgery to be performed on such mares in the United States. This amendment does not eliminate the general requirement that the surgery be performed in the country of origin, but only provides for those exceptional circumstances when a certificate is issued even though the surgery is not complete. The Department has made arrangements with the School of Veterinary Medicine, Cornell University, Ithaca, New York, for the corrective surgery to be performed at that institution.

The amendment also provides that any mare on which corrective surgery is performed shall be moved to the State of destination listed on the permit as soon after surgery as the mare may be moved. This provision aids the Department in maintaining control over the mares, and helps to assure that Cornell University will have space available for other purposes.

It is possible that a mare entered under the new provision will be affected with CEM. Accordingly, the amendment provides for the culturing of certain specimens. If a positive result is obtained, the mare will be subject to the same restrictions which would apply if the positive finding were based on culturing in the State of destination.

Alternatives Considered

The alternatives considered in making this decision were: (1) To eliminate the requirement that the surgery be done in the country of origin, (2) to not amend the regulations, (3) to allow corrective surgery to be performed in the State of destination, or at some other place selected by the importer, and (4) to make the change set forth in this document.

Alternative (1) was rejected because it presents an undue risk of the introduction of CEM into the United States, as described in the document published in the **Federal Register** on Friday, October 16, 1981 (46 FR 50930–50937). Alternative (2) was rejected because it places a substantial burden on the importers of horses which is unnecessary in view of alternative (4). Alternative (3) was rejected because allowing the corrective surgery to be done anywhere in the United States presents an undue risk of the introduction of CEM into the United States unless it is done under highly controlled circumstances. A mare from which the clitoral sinuses have not been removed may be affected with CEM even though it is negative to all tests. The Department believes that allowing the corrective surgery to be performed at more than one facility presents an unacceptable risk. The Department does not have personnel available to adequately monitor more than one facility. Further, the Department believes that the facility should be under some type of governmental control as an added precaution. The facilities of the New York Animal Import Center, Newburgh, New York, where all mares from CEM countries must be quarantined upon arrival in the United States, are not adequate for this purpose. The School of Veterinary Medicine at Cornell University, Ithaca, New York, is the closest facility which the Department believes to be suitable and to offer the necessary security. Officials of the State of New York and the School of Veterinary Medicine, Cornell University, have agreed to allow the corrective surgery to be performed there, at the expense of the importer, and by a licensed veterinarian mutually acceptable to the importer, Cornell University, and the Department. Accordingly, alternative (4) was adopted. It is possible that at some future time a more desirable facility will be available. However, until such time as this regulation is amended, the Department will not approve any other facilities.

List of Subjects in 9 CFR Part 92

Animal disease, Imports, Livestock & livestock products, Quarantine, Transportation, Contagious equine metritis (CEM).

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

Accordingly, Part 92, Title 9, Code of Federal Regulations is amended in the following respects:

1. In § 92.2(i)(2)(v), a new paragraph (H) is added to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i) * * *

(2) * * *

(v) * * *

* * * * * *

(H) Any mare subject to the provisions of § 92.2(i)(2)(v) which is found upon examination during pre-entry quarantine to have had an incomplete clitoral sinusectomy, but which is otherwise eligible for entry, may, at the option and expense of the importer, be moved to the School of Veterinary Medicine, Cornell University, Ithaca, New York, where the surgery required to qualify such mare for importation may be performed by a licensed veterinarian mutually acceptable to the importer, Cornell University, and the Department. Within two hours prior to such surgery, a licensed veterinarian shall collect a specimen from the clitoral sinus of the mare, and this sample, together with the clitoral sinuses or portion thereof removed, shall be submitted to a State or Federal animal disease diagnostic laboratory for culture. Following surgery and inspection by a Veterinary Services inspector for complete removal of the clitoral sinuses, such mare must be moved to the State of destination shown on the permit as soon as it is possible to do so without endangering the mare. Upon arrival in the State of destination, the mare will be handled in the same manner as if the surgery had been performed in the country of origin.

2. In § 92.4(a)(9)(iii)(C), the first sentence is amended to read:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes.

(a) * * *

* * * * * *

(C) If any specimen required by this section or by § 92.2(i)(2)(v)(H) is found to be positive for CEM, the mare shall not be released from State quarantine except as provided in this paragraph.* * *

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 11, 76 Stat. 129, 130, 132; sec. 1, 84 Stat. 202, (21 U.S.C. 111, 134a, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (9 CFR 1.27(b)).

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

Done at Washington, D.C., this 21st day of April 1982.

Floyd E. Smith,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 82-11265 Filed 4-21-82; 12:39 pm]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Implementation of Commission's Delegation of Authority To Determine Whether There Have Been Significant Changes in Operating License Applicant's Activities or Proposed Activities Since the Construction Permit Antitrust Review; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction.

SUMMARY: In a **Federal Register** Document published on March 9, 1982 (47 FR 9983), the NRC amended its regulations under 10 CFR 2.104, Notice of hearing. The amendatory language of instruction #8 refers to § 2.104(d)(3). This document corrects this designation to § 2.104(d)(4) in the instruction and the regulatory text.

FOR FURTHER INFORMATION CONTACT: John D. Philips, Chief, Rules and Procedures, Office of Administration, Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-7086.

Dated at Washington, DC, this 21st day of April 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-11300 Filed 4-23-82; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 541, 543, 545, 546, 552, 562, 563, and 583

[No. 82-269]

Organization, Merger and Acquisition of Interim Savings and Loan Associations

Dated: April 15, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Temporary final rule with request for comments.

SUMMARY: The Federal Home Loan Board ("Board") amends its regulations governing charter, merger, and holding company applications to facilitate (1) the reorganization of a federally-chartered or state-chartered stock association into a holding company form of ownership or (2) the acquisition of an insured institution by a savings and loan holding company. The changes are intended to eliminate duplicative procedures in processing applications.

DATES: Effective date: April 22, 1982.

Comments must be received by: June 22, 1982.

ADDRESS: Send comments to Director, Information Services, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available at this address for public inspection.

FOR FURTHER INFORMATION CONTACT: Laura Patriarca, attorney, Office of General Counsel, (202) 377-6454, at the above address.

SUPPLEMENTARY INFORMATION:

Background

In recent months, the Board has received inquiries regarding the availability of procedures to allow for the chartering of mutual associations or the insurance of accounts of state-chartered institutions for the purpose of facilitating corporate reorganizations (*e.g.*, the formation of a savings and loan holding company or the acquisition of an insured institution by an existing savings and loan holding company). Ordinarily, the formation of a holding company is accomplished when the prospective holding company acquires the stock of the target association through an exchange or tender offer. Likewise, the acquisition by an existing savings and loan holding company of another insured institution involves an exchange or tender offer for all of the stock of the target institution. This is often a less than satisfactory means of proceeding, especially when 100-percent control is desired. An alternate method of proceeding, and one which heretofore has not been available to savings and loan associations, involves the chartering of a nonoperating phantom or interim institution in order to merge it with the association to be acquired. For example, where an association desires to form a savings and loan holding company, an interim institution could be chartered and merged with the association and all of the stock of the association resulting from the merger would be acquired by a company formed to become a savings and loan holding company. Where an existing savings and loan holding company seeks to acquire an insured institution, it could charter an interim institution and merge it with the target institution. This method of reorganization or acquisition is attractive because it insures the holding company will acquire 100 percent of the shares of the existing institution, a goal which is often difficult to attain through an exchange or tender offer.

The Board has determined to amend its regulations to permit a stock association to be acquired, through its merger with an interim association, by a savings and loan holding company or a company which will become a savings and loan holding company or through any other transaction the Board may approve. The Board contemplates that the amendments will facilitate the acquisition of stock associations, whether federally chartered or state-chartered, through a merger with an interim association [1] that is chartered by the Board or by a state authority or through any other transaction the Board may approve. The Board is adopting these amendments as temporary final rules in order to permit the Board immediately to gain experience with this type of transaction. The Board will consider the usefulness of these regulations and whether to adopt more permanent final rules based on that experience and on the public comments received on the amendments.

[1] Ordinarily, the existing stock association will be the surviving institution. However, if a state stock interim association is utilized in the transaction, it may be the survivor.

Reorganization and Formation of a Holding Company Using an Interim Institution

Under the revised regulations, a stock savings and loan association or shareholders of a stock savings and loan association could reorganize into a holding company structure, by taking the following actions:

(1) Form a corporation to become the sole depositor or shareholder in a newly formed interim federal mutual, state mutual, or state association.

(2) Charter an interim federal mutual association or an interim state mutual or state stock association, the only deposit or stock of which is wholly owned by a newly formed corporation.

(3) Merge the interim institution with the existing association under a plan of merger whereby all outstanding voting shares of the existing association convert to like shares of the corporation, thereby causing the newly formed corporation to acquire all of the outstanding voting shares of the resulting association.

Acquisition Using an Interim Institution

Under the revised regulations, an existing savings and loan holding company could acquire an existing insured institution by taking the following actions:

(1) Charter an interim federal mutual association or an interim state mutual or state stock association, the only deposit or stock of which is wholly owned by the holding company.

(2) Merge the interim institution with the existing institution under a plan of merger whereby all the outstanding voting shares of the existing association convert to shares of the holding company, thereby causing the holding company to acquire all of the outstanding voting stock of the resulting association.

Board approval must be obtained for the charter, merger, insurance of accounts, as appropriate, and acquisition of control of an insured institution pursuant to the appropriate sections of 12 CFR Parts 543, 546, 552, 563, 571, and 583–589. In determining whether to approve such applications, the Board will consider the proposed transaction in its entirety. The Board will evaluate, as appropriate, the purpose and effect of the overall transaction in light of whether the existing association's management, or other officials acting on behalf of the association, are of good character and responsibility, and whether the community need for, and the probability of success of, such an institution justifies the reorganization without unduly injuring other properly conducted existing local thrift and home financing institutions. In addition, the approval of the appropriate state authority is necessary for transactions involving state-chartered institutions.

Amendment of Definitions

New § 541.8–1 of the rules and regulations for the Federal Savings and Loan System (to be codified at 12 CFR 541.8–1) has been added to define "interim Federal association" to mean a nonoperating savings and loan association chartered by the Board to facilitate a merger, or any other transaction the Board may approve, which will result in the acquisition of a stock association by a newly formed or existing savings and loan holding company. In addition, the definitions of "association," "mutual association," "stock association," and "insured institution" at §§ 546.1, 552.13(b) (6)–(7), 561.1, and 583.6 of the Board's regulations governing mergers and holding company acquisitions (12 CFR 546.1, 552.13(b)(6)–(7), 561.1, 583.6) have been amended to include interim Federal associations and, where appropriate, interim state-chartered associations.

Procedural Amendments

A reorganizing association proposing to organize an interim Federal association for the purpose of creating a holding company must file an application for permission to reorganize pursuant to 12 CFR 543.2. New § 543.2(h) exempts applicants for an interim federal charter from the procedures under that Part which ordinarily require publication of notice and opportunity for oral argument, provided those procedures are required upon filing the related merger and holding company applications.

In most instances, the notice and comment periods will be required by § 584.4(g) of the Regulations for Holding Companies, 12 CFR 584.4(g), upon the filing of an H–(e)(1) application for permission to acquire control of an insured institution. However, a reorganizing association which qualifies for an exemption from prior FSLIC approval of an acquisition pursuant to 12 CFR 584.4 will be required to adhere to the notice and comment procedures under 12 CFR 546.2(d), 552.13(h)(5), or 563.22(b) as applicable, in connection with a merger application. Each of those provisions has been amended accordingly.

Under new paragraph (h) of § 543.2, the Board will grant preliminary approval of the issuance of the charter on the condition that the related merger and holding company applications are approved. Upon receiving preliminary approval and prior to issuance of the charter, applicants must file a petition for charter pursuant to 12 CFR 543.5. After issuance of the charter, applicants must also comply with the completion of organization requirements of 12 CFR 543.6, including the requirements that the interim association must qualify as a member of a Federal Home Loan Bank pursuant to 12 CFR 523.1 and meet the requirements necessary to obtain insurance of accounts. Section 562.6(b) of the Rules and Regulations for Insurance of Accounts, 12 CFR 562.6(b), has been amended to include interim Federal associations with other federally chartered associations in an exemption from certain procedures for obtaining insurance of accounts.

Combinations Involving Charter S Associations

The regulations governing mergers of mutual savings and loan associations at 12 CFR Parts 546 and 563, as well as the Board's policy statement on mergers, 12 CFR 571.5, remain unchanged except for eliminating duplicative notice and comment periods, as described above. However, § 552.13 of the Rules and Regulations for the Federal Savings and Loan System, 12 CFR 552.13, governing mergers involving federal stock (Charter S) associations, has been amended to permit the merger of an interim mutual institution into a stock institution. Subparagraph (c)(1) of that section required that in any combination in which any constituent is a mutual association, the resulting association must be mutually held, except in supervisory merger conversion cases. As a nonoperating institution, an interim mutual association will have negligible assets and, because the charter is issued only to provide a reorganization vehicle, no significant ownership rights in the interim association can be jeopardized by its merger into a stock institution. Indeed, the merger is the sole reason for the existence of the mutual charter. The Board therefore believes that the stock association may survive mergers involving interim institutions and is amending the regulations accordingly.

Minimum Capitalization and Dispersion of Ownership

Under current Board policy, an organizing federal association must obtain a minimum amount of withdrawable savings depending upon the population size of the association's service area. Board policy also imposes similar requirements on applicants for

insurance of accounts with respect to the amount of capitalization.

The Board believes that minimum capitalization of an interim federal association is not necessary because the newly chartered entity will not operate until after it merges with a fully capitalized association. Accordingly, new paragraph (h) of 12 CFR 543.2 does not condition approval of an interim federal association charter application on meeting any minimum requirement with respect to capitalization. The Board is, also, exempting interim state institutions seeking insurance of accounts from the usual capital requirements.

Technical Holding Company Status of the Reorganizing Stock Association

Where an existing institution is using an interim institution as a means of facilitating the formation of a holding company, the existing institution arguably becomes a holding company by virtue of its control of the interim institution. (The same argument would apply to a service corporation or other subsidiary formed to hold the interim institution.) However, because the relationships between the existing institution undergoing the reorganization, its service corporation, and the interim institution are established only to permit the existing institution to reorganize into a holding company form of ownership, the Board will require only a single holding company application to be filed for permission to acquire control of the resulting association.

Preapproval of the Activity of Investing in the Accounts of or Owning the Stock of an Interim Institution

A Charter S association that decides to use a service corporation in connection with its reorganization need not apply for permission for the service corporation to purchase the stock of or invest in the accounts of an interim institution. The Board is amending its list of preapproved service corporation activities to include such investments for the limited purpose of facilitating the reorganization of a stock association into a holding company form of ownership.

Approval of the Acquisition of a Recently Converted Association in Connection With an Interim Institution Merger

Paragraph 563b.9(d) of the Rules and Regulations for the Insurance of Accounts (12 CFR 563b.9(d)) prohibits the acquisition of more than 10 percent of any class of an equity security of an association which has converted to stock form pursuant to 12 CFR 563b.3 within three years of completion of the conversion process, without prior FSLIC approval. Any recently converted association desiring to reorganize into a holding company structure through a merger with an interim association may apply for Board approval in conjunction with its holding company application.

Shareholder Approval

For combinations involving federally chartered stock associations (Charter S associations), an affirmative vote of two-thirds of the outstanding voting stock is required for approval of the combination agreement, except when the Charter S association is the surviving or resulting association and three other conditions, set out at 12 CFR 552.13(i)(3), have been met.[2] Although the ownership interests of shareholders of a reorganizing association generally do not undergo substantive change upon a reorganization into holding company form, the Board believes that shareholders should, nevertheless, be given an opportunity to approve or disapprove a plan of reorganization. Accordingly, new § 552.13(i)(4) of the Rules and Regulations for the Federal Savings and Loan System will make the exception to shareholder approval, which may otherwise be applicable, unavailable in combinations involving an interim federal or state association.

List of Subjects in 12 CFR Parts 541, 543, 545, 546, 552, 562, 563, and 583

Holding companies, Savings and loan associations.

Accordingly, the Board hereby amends Parts 541, 543, 545, 546, and 552 of Subchapter C, Parts 562 and 563 of Subchapter D, and Part 583 of Subchapter F, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

[2] Section 552.13(i)(3) of the Rules and Regulations for the Federal Savings and Loan System provides that: Stockholders of the resulting association need not authorize a combination agreement if: (i) The association's charter is not changed; (ii) each share of stock outstanding immediately prior to the effective date of the combination is to be an identical outstanding share of a treasury share of the resulting association after such effective date; and (iii) either (a) no shares of voting stock of the resulting association and no securities convertible into such stock are to be issued or delivered under the plan of combination, or (b) the authorized unissued shares or the treasury shares of voting stock of the resulting association to be issued or delivered under the plan of combination, plus those initially issuable upon conversion of any securities to be issued or delivered under such plan, do not exceed 15% of the total shares of voting stock of such association outstanding immediately prior to the effective date of the combination.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 541—DEFINITIONS

1. Add new §§ 541.8–1, 541.8–2, and 541.8–3, to read as follows:

§ 541.8–1 Interim Federal association.

A savings and loan association chartered by the Board under section 5 of the Act to facilitate the acquisition of 100 percent of the voting shares of an existing Federal stock association or other insured stock institution by a newly formed company or an existing savings and loan holding company or to facilitate any other transaction the Board may approve.

§ 541.8–2 Interim state institution.

An insured institution, other than a Federal association, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation to facilitate the acquisition of 100 percent of the voting shares of an existing Federal stock association or other insured stock institution by a newly formed company or an existing savings and loan holding company or to facilitate any other transaction the Board may approve.

§ 541.8–3 Insured institution.

An insured institution as defined in § 561.1 of this Chapter.

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

2. Amend § 543.2 by adding new paragraph (h) to read as follows:

§ 543.2 Application for permission to organize.

* * * * *

(h) *Alternative procedures for interim Federal associations.* (1) The procedures prescribed by paragraphs (d)–(g) of this Part 543 shall not be required with respect to applications for permission to organize an interim Federal association except that decisions on all such applications will be made by the Board and except as may be required by Parts 546, 563, or 584 of this Chapter.

(2) Preliminary approval of an application for permission to organize an interim Federal association shall be conditioned on Board approval of an application to merge the interim Federal association and an existing insured stock institution or on Board approval of any other transaction. After organization has been completed pursuant to § 543.6(d), final approval may be granted in conjunction with Board approval of an application filed pursuant to § 584.4 or acquiescence in a

filing under § 584.4–1. In evaluating the information provided in accordance with the requirements of paragraph (b) of this section, the Board will consider the purpose for which the association will be organized, the form of any proposed transactions involving the organizing association, the effect of the transactions on existing institutions involved in the transactions, and the effect of the transactions on community and on other properly conducted existing local thrift and home-financing institutions.

3. Amend § 543.6 by revising paragraph (d) to read as follows:

§ 543.6 Completion of organization.

* * * * *

(d) *Failure to complete.* Organization of a Federal association is completed when the organization meeting and the first meeting of its directors have been held, permanent officers have been bonded, the association holds the cash required to be paid on subscriptions to its capital, if required, and any additional requirement imposed by the Board has been met. If organization is not so completed within six months after issuance of a charter, or within such additional period as the Board may for good cause grant, and in the case of an interim Federal association, if a merger, or other transaction facilitated by the existence of an interim institution, has not been approved, the charter shall become void and all cash collected on subscriptions shall thereupon be returned.

PART 545—OPERATIONS

4. Revise § 545.9–1(c) (23), (24) and add paragraph (c)(25) to read as follows:

§ 545.9–1 Service corporations.

* * * * *

(c) *Permitted activities.*

* * * * *

(23) Investing in the capital stock or in the accounts of an interim institution that has been chartered solely for the purpose of becoming a constituent in a merger that will result in the acquisition of a stock association by a savings and loan holding company or by a company which will, after the acquisition, be a savings and loan holding company;

(24) Activities reasonably incidental to those listed in paragraphs (c)(1)–(23) of this section;

(25) Such other activities reasonably related to the activities of Federal associations as the Board may approve.

* * * * *

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

5. Amend § 546.1 by revising paragraph (a) to read as follows:

§ 546.1 Definitions.

As used in §§ 546.2 and 546.3—

(a) "Association" means a Federal association, or interim Federal association, and any building and loan, savings and loan, or homestead association, or cooperative bank, or interim state institution organized under the laws of any State which may, under those laws, merge or consolidate with a Federal association;

* * * * *

6. Add new paragraph (d)(3) to § 546.2 to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(d) * * *

(3) This paragraph (d) does not apply to mergers involving an interim Federal association or an interim state institution if the resulting institution is immediately acquired under § 584.4 of this Chapter.

PART 552—STOCK ASSOCIATIONS

7. Amend § 552.13 by revising paragraphs (b) (6) and (7), (c)(1), and (h) (5), and adding new paragraph (i)(4), to read as follows:

§ 552.13 Combinations involving Charter S associations.

* * * * *

(b) *Definitions.* The following definitions apply to §§ 552.13 and 552.14 of this Part:

* * * * *

(6) *Mutual association*—any association organized in a form not requiring nonwithdrawable stock under Federal or State law, including interim Federal associations and interim state institutions as defined by §§ 541.8–1 and 541.8–2, respectively, of this Chapter.

(7) *Stock association*—any association organized in a form requiring nonwithdrawable stock, including interim state institutions.

* * * * *

(c) *Forms of combination.* Charter S associations may combine with other associations in the following ways:

(1) Mergers or bulk purchases of assets in exchange for assumption of liabilities: *Provided,* That (i) all constituent associations have accounts insured by the Federal Savings and Loan Insurance Corporation, and (ii) if any constituent is a mutual association, the resulting association shall be mutually held, except in cases involving supervisory merger-conversions or in which one of the constituents is an interim Federal association or an interim state institution.

* * * * *

(h) *Notice.*

* * * * *

(5) *Procedure.* Processing of an application under this section shall follow the procedures set forth in this paragraph and in §§ 543.2(e)(2)–(5) and 543.2(f) of this Subchapter unless, in the case of mergers involving an interim Federal association or an interim state institution, the merging institution is immediately acquired under § 584.4, in which case § 584.4(g)(1) of this Chapter shall apply.

(i) *Approval by stockholders.*

* * * * *

(4) The exceptions provided in subparagraph (3) of this paragraph (i) shall not apply to any merger involving an interim Federal association or an interim state institution.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 562—APPLICATION FOR INSURANCE OF ACCOUNTS

8. Revise § 562.4 and paragraph (b) of § 562.6, to read as follows:

§ 562.4 Processing of application.

Processing of an application under this Part shall follow the procedures set forth in § 543.2(d), (e), and (f) of this Chapter, except that an interim state association need not follow such procedures except as required by Parts 546, 563, or 584 of this Chapter.

§ 562.6 Exceptions to foregoing procedure.

* * * * *

(b) *Procedure not applicable to Federal savings and loan association.* The procedure prescribed by the foregoing sections of this Part 562 shall not be applicable to an application for insurance of accounts by a Federal savings and loan association or an interim Federal association.

PART 563—OPERATIONS

9. Add new paragraph (c) to § 563.22, to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

* * * * *

(c) The requirements of paragraph (b) of this section do not apply to any merger involving an interim Federal association or an interim state institution if the resulting institution is

immediately acquired in accordance with the procedures set forth in § 584.4(g) of this Chapter.

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 583—DEFINITIONS

9. Revise § 583.6 to read as follows:

§ 583.6 Insured institution.

The term "insured institution" means a Federal savings and loan association, or interim Federal association, a building and loan, savings and loan, or homestead association or a cooperative bank, or an interim state savings and loan association, the accounts of which are insured by the Corporation.

(12 U.S.C. 1464, 1725, 1726, 1730, 1730a, Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-11212 Filed 4-23-82; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Parts 546 and 563

[No. 82-270]

Expanded Merger Delegation Regulation

April 15, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rules.

SUMMARY: The Board has increased the authority delegated to the Principal Supervisory Agent to approve merger applications involving federal savings and loan associations or institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. These amendments are intended to reduce merger processing time and relieve the Board of a largely ministerial task.

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Gayle L. Radley ((202) 377–6961), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 546.2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 546.2) prescribes the rules for mergers involving federal savings and loan associations. Section 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22) prescribes similar rules applicable to mergers involving institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Under existing regulations, Board approval for a merger may be given, in specified circumstances, by the Board's Principal Supervisory Agent (i.e., the president of the Federal Home Loan Bank of which the resulting institution in the proposed merger is a member), pursuant to a limited grant of delegated authority. The current delegation regulations result primarily from Board Resolution No. 80–446 (July 24, 1980; 45 FR 50553).

During the past year, the Board further increased the delegation of merger approval authority, significantly liberalizing the criteria authorizing the Principal Supervisory Agent to approve mergers in the field. *See* Board Resolutions Nos. 81–18 (January 30, 1981; 46 FR 9917), 81–90 (March 3, 1981; 46 FR 14727), 81–403 (July 22, 1981; 46 FR 37628).

This liberalized delegation of authority has helped to facilitate successful mergers and serves the interests both of the public and of the savings and loan industry.

At present, the Board authorizes the Principal Supervisory Agent to approve mergers only where: Either association has assets of less than $100,000,000 or the resulting association would have assets of less than $500,000,000; the resulting association would hold less than 10 percent of the total savings accounts (including savings accounts under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office; the resulting association would hold less than 12 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, the merging association has an office; the resulting association would account for less than 10 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office, based on mortgage recording data or such other evidence as is available; and where the resulting association would account for less than 12 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the merging association has an office, based on mortgage recording data or such other evidence as is available.

The Principal Supervisory Agent currently may approve only those mergers that are not protested. The Board is taking this opportunity to clarify that only substantial protests require Board review. The Principal Supervisory Agent will determine which protests are substantial.

Given the likelihood of a continued high volume of merger applications, the Board has determined to further liberalize the criteria to expand the scope of merger approval authority which is delegated to the Principal Supervisory Agent.

The Board has eliminated certain existing criteria and has authorized the Principal Supervisory Agent to approve all mergers unless:

(1) The resulting association requests that the Principal Supervisory Agent grant supervisory forbearances other than those specified in the regulation;

(2) The merger application has been substantially protested;

(3) The Principal Supervisory Agent raises objections to the merger;

(4) As a result of the merger, the resulting association will have acquired sufficient deposits to give it the largest share of total deposits in any county or similar political subdivision in which it competes;

(5) After the merger, the resulting association will have greater total deposits than any other depository institution with which it significantly and directly competes;

(6) After the merger, the resulting association will significantly and directly compete with fewer than eight depository institutions and fewer than two of those institutions will have more total deposits than the resulting association;

(7) Both the acquiring association and a merging association have assets of $1 billion or greater;

(8) The association which will be the resulting association in the merger has a composite Community Reinvestment Act rating of less than satisfactory, or is otherwise seriously deficient with respect to the Board's nondiscrimination regulations and the deficiencies have not been resolved to the satisfaction of the Principal Supervisory Agent;

(9) The resulting association's net worth would not at least equal the amount required for that association under 12 CFR 563.13 (where goodwill has been included in the resulting association's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and

value are appropriate under and accounted for by generally accepted accounting principles and in accordance with accounting memoranda issued by the Board's staff);

(10) The merger involves any agreement with the Federal Savings and Loan Insurance Corporation;

(11) The merger would result in the conversion of a mutual association to a stock association;

(12) The Principal Supervisory Agent determines that the financial condition of the resulting association would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision; or

(13) The merger application involves unusual circumstances or policy questions.

Notwithstanding the applicability of (4) through (7) above, the Principal Supervisory Agent may approve a merger if the Principal Supervisory Agent first determines that but for the merger, the merging association would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision, *i.e.*, it is a failing association, and that no equally desirable merger alternative is available. It should be noted that only (4) requires the merger to have effected a change in relative size or market share.

The Principal Supervisory Agent's authority to approve mergers under 12 CFR 546.2(h) and 563.22 (e) is discretionary. It is the Board's expectation that when a merger subject to these delegations raises significant issues of law or policy for which the Board has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Board for its consideration. Examples of the types of mergers which should be referred to the Board are ones involving an interstate merger of a federal association, a phantom merger, an uninsured association or an association which is not a savings and loan type of institution.

Because the amendments pertain to internal Board procedures and will facilitate the processing of applications and mergers, and because it is in the public interest to provide prompt action on applications, the Board believes it is appropriate to implement the amendments without delay. Therefore, the Board has determined that observance of the notice and public procedure provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) is unnecessary and that publication of these amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d), prior to the effective date of the amendments, is likewise unnecessary.

List of Subjects in 12 CFR Part 546

Federal Home Loan Bank Board, Mergers, Savings and Loan Associations, Applications.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

Accordingly, the Board hereby amends Part 546 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

1. Revise paragraph (h) of § 546.2, to read as follows:

§546.2 Procedure; effective date.

* * * * *

(h) The approval of the Board (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (c) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) unless:

(1) As a result of the merger, the resulting association will have acquired sufficient deposits to give it the largest share of total deposits in any county or similar political subdivision in which it competes;

"Deposits" includes deposits in any depository institution; "Depository institution" includes savings and loan associations, building and loan associations, homestead associations, cooperative banks, mutual savings banks, commercial banks and credit unions;

(2) After the merger, the resulting association will have greater total deposits than any other depository institution with which it significantly and directly competes;

Institutions which "siginficantly and directly compete" are those located in the area of competitive overlap upon which the effect of the merger will be direct and immediate;

(3) After the merger, the resulting association will significantly and directly compete with fewer than eight depository institutions and fewer than two of those institutions will have more total deposits than the resulting association;

(4) Both the acquiring association and a merging association have assets of $1 billion or greater;

(5) The association which will be the resulting association in the merger has a composite Community Reinvestment Act rating of less than satisfactory, or is otherwise seriously deficient with respect to the Board's nondiscrimination regulations and the deficiencies have not been resolved to the satisfaction of the Principal Supervisory Agent;

(6) The resulting association's net worth would not at least equal the amount required for that association under § 563.13 of this chapter (where goodwill is included in the resulting association's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under and accounted for by generally accepted accounting principles and in accordance with accounting memoranda issued by the Board's staff);

(7) The merger involves any agreement with the Federal Savings and Loan Insurance Corporation or forbearance with respect to supervisory action, under any regulation, except for the following forbearances:

(i) For purposes of the resulting association's satisfaction of the net-worth calculation of § 563.13(b), the Principal Supervisory Agent may exclude, for up to a five-year period, operating losses on acquired assets, capital losses sustained by the resulting association upon disposition of acquired assets, acquired scheduled items, and the amount of either: (*a*) The net-worth deficiency at the date of merger, or (*b*) liabilities, including averaged liabilities, of the acquired association;

(ii) For purposes of calculating the liquidity requirements of §§ 523.11(d) and 523.12 of this chapter, the Principal Supervisory Agent may exclude, for up to one year, any liquidity deficiency which the acquired association has and, also for one year, any aggregate net withdrawals from the acquired association;

(iii) For purposes of calculating the resulting association's investments under § 545.10(b) of this subchapter, the Principal Supervisory Agent may exclude the building investments of the acquired association; and

(iv) For the purpose of calculating any holding company net-worth maintenance requirement, the Principal Supervisory Agent may exclude, for up to a five-year period, the assets and liabilities balances of the acquired association;

In order to agree to supervisory forbearances regarding the rules for acquired liabilities and operating losses, the Principal Supervisory Agent must find that without merger, assistance would be required from the Corporation;

(8) A protest to the merger application has been filed which the Principal Supervisory Agent has determined to be substantial;

(9) The merger will result in the conversion of a mutual association to a stock association;

(10) The Principal Supervisory Agent determines that the financial condition of the resulting association will not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision;

(11) The Principal Supervisory Agent raises objections to the merger; or

(12) The merger application involves unusual circumstances or policy questions.

Notwithstanding the applicability of paragraphs (h)(1) through (h)(4) of this section, the Principal Supervisory Agent may approve a merger if the Principal Supervisory Agent first determines that but for the merger, the merging association would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervisions, *i.e.*, it is a failing association, and that no equally desirable merger alternative is available. In approving a merger under this paragraph , the Principal Supervisory Agent may approve maintenance of an office of the merging association as a facility of the resulting Federal association and may approve an application for insurance of accounts and Bank membership filed by an uninsured association merging into a Federal association. The authority to approve mergers under this paragraph (h) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to these delegations raises significant issues of law or policy for which the Board has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Board for its consideration. An example of the type of merger which should be referred to the Board is one involving an interstate merger of a Federal association.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Revise paragraph (e) of § 563.22 to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

* * * * *

(e) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) unless:

(1) As a result of the merger, the resulting institution will have acquired sufficient deposits to give it the largest share of total deposits in any county or similar political subdivision in which it competes;

"Deposits" includes deposits in any depository institution; "Depository institution" includes savings and loan associations, building and loan associations, homestead associations, cooperative banks, mutual savings banks, commercial banks and credit unions;

(2) After the merger, the resulting institution will have greater total deposits than any other depository institution with which it significantly and directly competes;

Institutions which "significantly and directly compete" are those located in the area of competitive overlap upon which the effect of the merger will be direct and immediate;

(3) After the merger, the resulting institution will significantly and directly compete with fewer than eight depository institutions and fewer than two of those institutions will have more total deposits than the resulting institution;

(4) Both the acquiring institution and a merging institution have assets of $1 billion or greater;

(5) The institution which will be the resulting institution in the merger has a composite Community Reinvestment Act rating of less than satisfactory, or is otherwise seriously deficient with respect to the Board's nondiscrimination regulations and the deficiencies have not been resolved to the satisfaction of the Principal Supervisory Agent;

(6) The resulting institution's net worth would not at least equal the amount required for that institution under § 563.13 of this chapter (where goodwill is included in the resulting institution's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under and accounted for by generally accepted accounting principles and in accordance with accounting memoranda issued by the Board's staff);

(7) The merger involves any agreement with the Corporation or forbearance, with respect to supervisory action, under any regulation, except for the following forbearances:

(i) For purposes of the resulting institution's satisfaction of the net-worth calculation of § 563.13(b), the Principal Supervisory Agent may exclude, for up to a five-year period, operating losses on acquired assets, capital losses sustained by the resulting institution upon disposition of acquired assets, acquired scheduled items, and the amount of either: (*a*) The net-worth deficiency at the date of merger, or (*b*) liabilities, including averaged liabilities, of the acquired institution;

(ii) For purposes of calculating the liquidity requirements of §§ 523.11(d) and 523.12 of this chapter, the Principal Supervisory Agent may exclude, for up to one year, any liquidity deficiency which the acquired institution has and, also for one year, any aggregate net withdrawals from the acquired institution;

(iii) For purposes of calculating the resulting institution's investments under § 545.10(b) of this chapter, the Principal Supervisory Agent may exclude the building investments of the acquired institution; and

(iv) For the purpose of calculating any holding company net-worth maintenance requirement, the Principal Supervisory Agent may exclude, for up to a five-year period, the assets and liabilities balances of the acquired institution.

In order to agree to supervisory forbearances regarding the rules for acquired liabilities and operating losses, the Principal Supervisory Agent must find that without merger, assistance would be required from the Corporation;

(8) A protest to the merger application has been filed which the Principal Supervisory Agent has determined to be substantial;

(9) The merger will result in the conversion of a mutual institution to a stock institution;

(10) The Principal Supervisory Agent determines that the financial condition of the resulting institution will not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision;

(11) The Principal Supervisory Agent raises objections to the merger; or

(12) The merger application involves unusual circumstances or policy questions.

Notwithstanding the applicability of paragraphs (e)(1) through (e)(4) of this section, the Principal Supervisory Agent may approve a merger if the Principal

Supervisory Agent first determines that but for the merger, the merging institution would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision, *i.e.*, it is a failing institution, and that no equally desirable merger alternative is available. The Principal Supervisory Agent's authority to approve mergers under this paragraph (e) is discretionary. It is expected that when a merger subject to these delegations raises significant issues of law or policy for which the Corporation has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Corporation for its consideration.

(Sec. 5, Home Owners' Loan Act, 12 U.S.C. 1464; Sec. 402, 403, & 407, National Housing Act, 12 U.S.C. 1725, 1726 & 1730; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp))

By the Federal Home Loan Bank Board.

J. Finn,

Secretary.

[FR Doc. 82–11349 Filed 4–23–82; 8:45 am]

BILLING CODE 6720–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 105

Standards of Conduct; Correction

AGENCY: Small Business Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule regarding changes to the Agency's Standards of Conduct which was published in the **Federal Register** on March 23, 1982 (47 FR 12332).

EFFECTIVE DATE: April 26, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653–8538.

In FR Doc. 82–7475 at page 12336 in the issue for Tuesday, March 23, 1982, § 105.510 was amended by removing paragraph (d)(1) and redesignating paragraph (d)(2) as (e) and revising the introductory text. New paragraph (e) is corrected by renumbering subparagraphs (i) and (ii) as (1) and (2) respectively.

Dated: April 13, 1982.

Ronald Allen,

Federal Register Liaison Officer.

[FR Doc. 82–11060 Filed 4–23–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82–CE–16–AD; Amendment 39–4369]

Airworthiness Directives; Fairchild Swearingen Models SA227–AC, SA227–AT, and SA227–TT Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 82–05–05 applicable to Fairchild Swearingen Model SA227–AC, SA227–AT, and SA227–TT airplanes and codifies the corresponding emergency AD letter dated February 26, 1982, into the **Federal Register.** This AD requires changes in the airplane's placards and Airplane Flight Manual to remove the approval for operation in icing conditions. The necessity for this action was established by reports of severe aircraft vibration caused by propeller blade ice build up not prevented by the existing ice removal or prevention provisions. This condition may cause aircraft structural damage and reduce aircraft controllability.

EFFECTIVE DATE: May 3, 1982, to all persons except those to whom it had already been made effective by priority letter from the FAA dated February 26, 1982.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Fairchild Swearingen SA227 Series Alert Service Bulletin SB A 61–002 PROPELLERS-LEADING EDGE PROTECTION, dated February 26, 1982, applicable to this AD, may be obtained from Fairchild Swearingen Corporation, P.O. Box 32486, San Antonio, Texas 78284. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, MO 64106.

FOR FURTHER INFORMATION CONTACT: Martin J. Saunders, Propulsion Section, ASW–140, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, Telephone: (817) 624–4911, extension 525.

SUPPLEMENTARY INFORMATION: Severe aircraft vibration of a magnitude that caused the panel instruments to be unreadable and diversion of the flight was reported on the Fairchild Swearingen SA227 Series airplanes. Subsequent investigation indicated this condition was caused by propeller unbalance resulting from ice build up on the blades outside the radius of the thermal deicing boots. On the basis of these facts, the FAA concluded that the approval of these airplanes for operation in icing conditions was invalid and should be rescinded. Accordingly, the FAA issued AD 82–05–05 by priority letter dated February 26, 1982, to all known owners of these airplanes requiring modifications of the placards and Airplane Flight Manual to remove approval for operation in icing conditions. Concurrent with this action, the manufacturer initiated investigations which indicated improperly installed or inadequately maintained erosion tape located outboard of the thermal deicing boots was compromising the ability of the blades to shed ice in this area.

It also issued SA227 Series Alert Service Bulletin SB A 61–002 PROPELLERS-LEADING EDGE PROTECTION dated February 26, 1982, containing instructions for removal and reinstallation of the erosion tape to assure proper adhesion and daily and preflight inspections to assure continued acceptable ice shedding characteristics of this tape. The FAA has approved compliance with this Service Bulletin as an acceptable method of compliance with AD 82–05–05.

Subsequent to the issuance of AD 82–05–05, the FAA has learned that Model SA227–AC S/N AC–503 and Model SA227–AT S/N TT–426A airplanes subject to the requirements of that AD were not included in the applicability statement.

Since the unsafe condition described herein may still exist on other Fairchild Swearingen SA227 Series airplanes, AD 82–05–05 is being updated to include Model SA227–AC, S/N AC–503 and Model SA227–TT, S/N TT426A airplanes in the applicability statement and to refer to Fairchild Swearingen Series Alert Bulletin SB A 61–002 PROPELLERS-LEADING EDGE PROTECTION dated February 26, 1982, as an equivalent method of compliance with the AD. Accordingly, the updated AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Administration (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification and to airplanes on which the AD was not made applicable by this letter.

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

List of Subjects in 14 CFR Part 39

Aviation safety.

Adoption of the Amendment

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

Fairchild Swearingen: Applies to Models SA227-AC (S/N's AC-420 through AC-481, AC-485 through AC-491, AC-496 through AC-499 and AC-503), SA227-AT (S/N's AT-423 through AT-446, AT-454 through AT-487 and AT-501), and SA227-TT (S/N's TT-421 through TT-462, TT-468 through TT-480 and TT-486) and (TT-426A, TT-444A, TT-456A, TT-459A, TT-462A, TT-468A, TT-477A, TT-483A, TT-486A, and TT-489A) airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished. To prevent propeller ice accumulation and potentially hazardous severe aircraft vibration, within the next five hours time-in-service after the effective date of this AD accomplish the following:

(a) Install black electrician's tape or equivalent over the words "AND ICING CONDITIONS" in the Approved Types of Operations Section of the Operating Limitations Placard which is located above the left side console.

(b) Install a temporary placard of 1/4-inch minimum lettering which states "NOT APPROVED FOR FLIGHT IN ICING" in front of and in clear view of the pilot and operate the airplane in accordance with this placard.

(c) In the Approved Types of Operation Section of the Operating Limitations placard shown in Section I, Limitations Section, of the Model SA227-AC Airplane Flight Manual (AFM) and in Section II, Limitation Section, of the Models SA227-AT and -TT AFM, delete or cover the words "AND ICING CONDITIONS."

(d) The placard and AFM changes required by this AD may be accomplished by the holder of at least a private pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person who must make the prescribed entry in the Airplane Maintenance Records indicating compliance with this AD.

(e) An equivalent method of compliance with this AD may be used when approved by the Chief, Aircraft Certification Division, FAA, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101. The procedures contained in Fairchild Swearingen SA227 Series Alert Service Bulletin SB A 61-002 PROPELLERS-LEADING EDGE PROTECTION date February 26, 1982, if accomplished in entirety are approved as an equivalent method of compliance with this AD.

This amendment becomes effetive on May 3, 1982, to all persons except those to whom it has already been made effective by a priority letter from the FAA dated February 26, 1982, and is identified as AD 82-05-05.

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

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves limitations or special maintenance procedures on only a few aircraft owned by small entities. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the rules docket at the location identified under the caption **"ADDRESSES."**

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

Issued in Kansas City, Mo., on April 15, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-11244 Filed 4-23-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-17-AD; Amdt. 39-4370]

Airworthiness Directives; Wing Model D-1 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 82-08-05 applicable to Wing Model D-1 airplanes and codifies the corresponding emergency AD letter dated April 6, 1982, into the **Federal Register.** This AD requires the cabin combustion heater be deactivated by disconnecting a wire from the main electrical bus and installation of a placard adjacent to the control prohibiting its use. This action is being taken because of reported fuel fumes in the cabin during flight and the subsequent discovery of deficiencies in the heater installation which caused this condition. The fuel and/or fumes in the cabin are a potential explosion or fire hazard.

EFFECTIVE DATE: May 3, 1982, to all persons except those to whom it has already been made effective by priority letter from the FAA dated April 6, 1982.

Compliance

As prescribed in the body of the AD.

ADDRESSES: Information supporting this AD is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Don Watt, Propulsion Engineer, Federal Aviation Administration, Western Aircraft Certification Field Office, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009; Telephone (213) 536-6380.

SUPPLEMENTARY INFORMATION: Fuel fumes were detected in the cabin during flight on a Wing Model D-1 airplane. Investigation to discover the source of these fumes disclosed a loose fitting in the fuel supply line to the heater and a shroud which was ineffective in trapping and draining the leakage from this fitting. Also an ineffective seal between the exhaust pipe shroud and fuselage skin was found. It was concluded that these conditions could combine to cause fuel or fumes to enter the cabin area and that an explosion or fire hazard existed.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating the AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by priority mail letter dated April 6, 1982. The AD became effective immediately as to these individuals upon receipt of that letter and is identified as AD 82-08-05. Since the unsafe condition described herein may still exist on other Wing Model D-1 airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

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

List of Subjects in 14 CFR Part 39

Aviation safety.

Adoption of the Amendment

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

Wing: Applies to Model D-1 (S/Ns 003 and 005 through 009) airplanes certificated in any category.

Compliance: Required prior to further flight, unless already accomplished. To prevent a potential cabin fire hazard, accomplish the following:

(a) Deactivate the cabin heater by removing wire H3A18 from the main electrical bus. Stow and insulate the removed wire end.

(b) Install a placard in full view of the pilot adjacent to the cabin heater control in letters 1/8-inch high which reads as follows: "DO NOT USE CABIN HEATER"

(c) A special flight permit may be issued in accordance with FAR 21.197 to operate aircraft with cabin heater OFF to a base for the accomplishment of this AD.

(d) Any equivalent method of compliance with this AD, if used, must be approved by the Chief, Federal Aviation Administration, Western Aircraft Certification Field Office, Northwest Mountain Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009; Telephone: (213) 536-6352.

This amendment becomes effective on May 3, 1982, to all persons except those to whom it has already been made effective by a priority letter from the FAA dated April 6, 1982, and is identified as AD 82-08-05.

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

Note.—The FAA has determined that this regulation involves an emergency regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and certifies that the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a modification on only a few aircraft owned by small entities. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the rules docket at the location identified under the caption **"ADDRESSES."**

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

Issued in Kansas City, Missouri, on April 15, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-11245 Filed 4-23-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3086]

Mastic Corp.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, requires Mastic Corporation, a manufacturer and seller of residential vinyl siding products, among other things, to cease paying for or disseminating any advertisement for vinyl siding that contains an energy related claim. The order requires the firm to distribute a copy of the order to all personnel engaged in the promotion of vinyl siding. Mastic Corporation is required to provide its distributors and retailers with a copy of the order together with a letter explaining its provisions.

DATES: Complaint and order issued April 12, 1982.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PE, Steven H. Meyer, Washington, D.C. (202) 724-1515.

SUPPLEMENTARY INFORMATION: On Monday, February 1, 1982, there was published in the **Federal Register**, 47 FR 4532, a proposed consent agreement with analysis In the Matter of Mastic Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements. Subpart—Disseminating Advertisements, etc.: § 13.1043 Disseminating advertisements, etc.

List of Subjects in 16 CFR Part 13

Advertising, Trade practices.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)).

Carol M. Thomas,

Secretary.

[FR Doc. 82-11361 Filed 4-23-82; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 375

[Docket No. RM82-27-000; Order No. 224]

Delegation of Authority

April 21, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission amends its regulations to delegate additional authority to the Chief Accountant, the Director of the Office of Pipeline and Producer Regulation (OPPR) and the Director of the Office of Electric Power Regulation (OEPR). This rule (1) expands the authority of the Chief Accountant to act on certain accounting proposals and applications, (2) increases the authority of the Directors of OPPR and OEPR to act in uncontested application proceedings and rate schedule filings, and (3) permits the Directors of OPPR and OEPR, in certain circumstances, to act on previously issued authorizations, if there is no opposition to their actions. In addition, this rule makes conforming changes to existing delegations affecting the Secretary and the General Counsel. This action is designed to expedite Commission proceedings and the processing of filings with the Commission.

DATES: This rule is effective April 21, 1982; comments are due by May 21, 1982; requests to participate in oral presentations of comments are due by May 12, 1982.

ADDRESS: Written comments and requests to participate in oral

presentations of comments should be submitted to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:
Susan Court, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8601, Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

In the matter of delegations of the Commission's authority to the Chief Accountant, the Director of the Office of Pipeline and Producer Regulation, the Director of the Office of Electric Power Regulation, and the General Counsel.

I. Introduction

The Federal Energy Regulatory Commission (Commission) amends its regulations to delegate additional authority to Commission office directors. This is the fourth in a series of delegation rulemakings designed to help expedite Commission proceedings and the processing of filings with the Commission. This rule is effective immediately.

Pursuant to its enabling legislation, the Commission regulates rates for interstate oil pipelines, the transportation and sale of natural gas for resale in interstate commerce, natural gas producer pricing, wholesale electric power transmission and sales, non-Federal development of hydroelectric power projects, and the construction of certain natural gas pipelines. During Fiscal Year 1981, the Commission acted on 70,773 items. The size of this workload in relation to Commission resources demonstrates a continued need for reliance on staff for the efficient and expeditious processing of many of the matters that are regularly presented to the Commission.

In order to use better the resources at its disposal, the Commission has developed a system whereby responsible staff personnel exercise limited authority to carry out certain routine functions for which the Commission is responsible or to take routine actions which are considered essential to an efficient discharge of Commission responsibility. In 1978, the Commission began to delegate certain tasks to the directors of appropriate program offices. The Phase I delegations permitted the office directors to perform various routine matters that can be processed more efficiently on the staff level than is possible through the formal decisional procedures of the Commission.[1] Phase II[2] and Phase III[3] delegations were issued in 1979 and 1981, respectively. All of these delegations are contained in Subpart C of Part 375 of the Commission's regulations (18 CFR Part 375).

Because of these delegations, the Commission has been spared the necessity of reviewing more than 14,000 separate actions. The result is more effective and responsive Commission procedure. The Commission is able to devote its energies to the less routine, more complex issues of policy and law that come before it. This creates benefits for both regulated entities and affected members of the public that rely on efficient and thoughtful Commission action. Moreover, any delegated action is appealable to the Commission itself.

II. Phase IV Delegations

In 1982, the Commission continues to encounter an extraordinarily large number of matters that, under existing regulations, require decisionmaking at the highest level. The Commission therefore issues this Phase IV delegation rule to authorize additional routine actions by the Chief Accountant, the Director of the Office of Pipeline and Producer Regulation (OPPR), and the Director of the Office of Electric Power Regulation (OEPR). In addition, because of these delegations and changes in Commission staff organization, conforming changes to prior delegations are necessary. For example, the delegations to the former Director of the Office of Enforcement are transferred to the General Counsel, whose office now contains the Commission's enforcement functions. The rule also eliminates duplicative authority between the Secretary and the Director of the Office of Pipeline and Producer Regulation.

In general, any authority delegated under Phase IV involves only limited discretion. Accordingly, the delegations delineate the scope of permissible staff action within established Commission policy. Also, the delegations relate generally to uncontested matters. As defined in § 1.1(f)(23) [4], "uncontested" means that "no petition for, or notice of, intervention in opposition to the pending matter made under § 1.8 has been received by the Commission." [5] Finally, as provided in § 375.301(a), any staff action may be appealed to the Commission pursuant to § 1.7(d).' [6]

III. Summary of the Rule

All of the delegations provided in the final rule are amendments to Subpart C of Part 375.

A. *Delegations to the Secretary.* The delegations to the Secretary are amended by deleting two delegations. Section 375.302(m) relating to the Secretary's authority to terminate independent producer certificates and related rate schedules for lack of Commission jurisdiction is revoked, because this authority is transferred to the Director of OPPR. In addition, § 375.302(p) relating to compliance filings is revoked, because the authority to act on this type of filing is included in existing delegations to the Director of OPPR under § 375.307(b) (1), (2), and (3).

B. *Delegations to the Chief Accountant.* The revision of § 375.303(b) substitutes the word "matters" for the word "entries". This change enables the Chief Accountant to pass upon all accounting matters submitted by or on behalf of public utilities, licensees, and natural gas companies, which require Commission approval under the Uniform System of Accounts, including approvals required under the General Instructions and Plant Instructions to the Uniform System of Accounts. This revision necessitates the removal of duplicative authority under § 357.303(c). The subsequent paragraphs of § 375.303 are redesignated.

Under a revised and redesignated § 375.303(e), the Chief Accountant is permitted to pass upon any uncontested application filed by a public utility or licensee for authorization to issue securities and to assume obligations under Part 34 of the Commission's regulations. Formerly, the Chief Accountant was limited to act on specific Part 34 applications. Now, for example, the Chief Accountant may act on applications for negotiated placement of stocks and bonds in excess of $30,000,000, and applications for the guarantee of obligations and liabilities of another party other than for pollution

[1] "Delegations to Various Office Directors of Certain Commission Authority", Docket No. RM78-19 (issued August 14, 1978), 43 FR 36433 (August 17, 1978).

[2] Order No. 38, "Chief Accountant, et al., Delegation of Authority; Final Regulation", Docket No. RM79-59 (issued July 23, 1979) 44 FR 46449 (August 8, 1979).

[3] Order No. 147, "Delegation of the Commission's Authority to the Directors of Office of Electric Power Regulation, Office of the Chief Accountant, and Office of Pipeline and Producer Regulation, Docket No. RM81-20 (issued May 22, 1981) 46 FR 29700 (June 3, 1981).

[4] Section 1.1(f)(23) will be redesignated as § 375.301(c) under the final rule in Docket No. RM78-22 ("Revision of Commission Rules of Practice and Procedure to Expedite Trial-type Hearings", approved by the Commission on April 7, 1982).

[5] Section 1.8 will be redesignated as § 385.214 by the Commission's revised Rules of Practice and Procedure.

[6] Section 1.7(d) will be redesignated as § 385.1902 by the Commission's revised Rules of Practice and Procedure.

control or similar type issues.

C. *Delegations to the Director of the Office of Pipeline and Producer Regulation.* The introductory clauses to § 375.307(a) and (b) are revised to clarify that the Director has the authority to impose appropriate conditions in authorizations he issues pursuant to these paragraphs. For example, if the facts have warranted, the Director has imposed conditions relating to "liquids and liquifiables" or production-related costs in a pipeline certificate which he issued pursuant to his authority to pass upon uncontested certificate applications.

Section 375.307(a)(10) is revised to permit the Director to pass upon uncontested applications by interstate pipelines (1) to add new delivery points for an existing sales customer, or (2) to change volumes of gas to be delivered from one to another of a customer's delivery points. Previously, the Director's authority was limited to passing upon applications to change delivery points. As before, in any change, the sales volumes must remain within total existing contract demand and certificate levels.

Section 375.307(a)(14) has been added to enable the Director to pass upon uncontested applications for declarations of exemption from the Natural Gas Act, file under section 1(c) of the Natural Gas Act and pursuant to Part 152 of the regulations.

The Commission also adds four new delegations to § 375.307. First, a new paragraph (p) permits the Director of OPPR, upon request of an independent producer, to terminate all or part of its certificate and to cancel the related rate schedule, to the extent the service is no longer subject to the Commission's jurisdiction. Similar authority was previously delegated to the Secretary under § 375.302(m).

Second, a new paragraph (q) permits the Director to grant or deny a request from a pipeline to extend the time required to file a report for an extension (extension report) of Commission's authorization to transport and sell natural gas under sections 311(a) and (b) of the Natural Gas Policy Act. This delegation is limited to those authorizations that are self-implementing, as described in §§ 284.102, 284.122 and 284.142 of the Commission's regulations.

Under the Commission's regulations, a pipeline must file an extension report 90 days before the expiration of its existing authorization. The regulations also provide that, if the report is filed on time, the Commission has 90 days to consider extending authorization and, if the Commission does not act within that time, the extension is automatically granted. If the report is not filed on time, the existing authorization expires.

By this delegation, the Director may allow a pipeline to file an extension report late without jeopardizing its authorization. However, this delegation also provides that the 90 days in which the Commission considers the report begins to run on the new filing day granted by the Director.

Third, a new paragraph (r) allows the Director to pass upon an uncontested request of one holding an authorization, granted pursuant to the Director's delegated authority, to vacate in whole or in part such authorization. This paragraph applies to those authorizations granted pursuant to § 375.307(a), (b), and (c). By this delegation, for example, the Director may pass upon requests that affect authorizations contained in pipeline and producer certificates.

Finally, a new paragraph (s) permits the Director to pass upon notices of intervention and petitions to intervene filed in uncontested application and rate schedule filings. By definition, uncontested means that a notice of intervention or petitions to intervene in opposition has not been filed. Consequently, this delegation prohibits the Director from acting on notices or motions that present genuine opposition. However, this delegation permits the Director to pass upon notices of intervention or motions to intervene that are not filed on time.

D. *Delegations to the Director of the Office of Electric Power Regulation.* Section 375.308(l) is revised to permit the Director to accept for filing all uncontested rate schedule changes, including those that result in rate increases.

Section 375.308(z)(2) is revised to authorize the Director to act on certain uncontested license applications, even if the project is determined to require preparation of an Environmental Impact Statement.

In addition, four new delegations are added as paragraphs to § 375.308. First, a new paragraph (tt) allows the Director to issue an order to cancel a preliminary permit for noncompliance with the terms and conditions of the permit, provided the Director (a) gives notice of the cancellation to the permittee no less than 30 days prior to the issuance of the order cancelling the permit, and (b) the permittee does not oppose the Director's action to cancel the permit. The permittee does not oppose the Director's action if he does not respond in any way to the Director's notice or if he responds that he does not oppose the Director's actions.

Second, a new paragraph (uu) permits the Director to issue an order to revoke an exemption from licensing under Part 1 of the Federal Power Act for a small hydroelectric power project or a small conduit hydroelectric facility, if construction of the exempted project or facility is not begun or is not completed within the time specified in the order granting exemption or the Commission rules. The Director may act only after he has given notice of the revocation to the holder of the exemption no less than 30 days prior to the issuance of the revocation order, and the holder of the exemption does not oppose the Director's action. The holder of an exemption does not oppose the Director's action if he does not respond in any way to the Director's notice or if he responds that he does not oppose the Director's action.

Third, a new paragraph (vv) authorizes the Director to issue an order to terminate a license, if the licensee does not commence actual construction of the project works within the time prescribed by the license. The Director may act only after he has given notice of the termination to the licensee by registered mail, no less than 90 days prior to the issuance of the termination order, and the licensee does not oppose the Director's action. The licensee does not oppose the Director's action if he does not respond in any way to the Director's notice or if he responds that he will not oppose the Director's action.

Finally, a new paragraph (ww) allows the Director to pass upon notices of intervention and petitions to intervene filed in an uncontested rate schedule proceeding. By definition, uncontested means that a notice of intervention or a petition to intervene in opposition has not been filed. Consequently, this delegation prohibits the Director from acting on notices or motions that present genuine opposition. However, this delegation permits the Director to pass upon notices of intervention and motions to intervene that are not filed on time.

E. *Delegations to the General Counsel.* Section 375.309 is amended by two changes. The words "General Counsel" are inserted in lieu of the words "Director of the Office of Enforcement" in the title and introductory clause of the section. The words "Office of the General Counsel" are inserted in lieu of "Office of Enforcement" in paragraphs of that section. These changes reflect internal agency reorganization; they are not substantive. They are being made because the General Counsel is now responsible for the enforcement function of the Commission.

IV. Comments

Although this rule is effective immediately, the Commission invites interested members of the public to submit comments or suggestions regarding these regulations. The Commission and its staff will evaluate any information received from interested persons and will consider appropriate revisions to these regulations as a result of comments received. An original and 14 copies should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Comments must be submitted no later than May 21, 1982. All comments should refer, on the cover page to Docket No. RM82-27-000. In addition, an opportunity for a public hearing to receive oral comments will be afforded in accordance with section 502(b) of the Natural Gas Policy Act. Any person seeking to appear to give oral comments must file a request to do so with the Secretary by May 12, 1982.

V. Effective Date

The Commission waives the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), because the rule is one of agency procedure and practice. Prior public procedure is, therefore, unnecessary. In addition, the Commission finds good cause to make the rule effective immediately, pursuant to 5 U.S.C. 553(d). The Commission currently faces the task of having to make hundreds of decisions on items which can fairly be classified as routine or ministerial. This delegation will permit a more efficient discharge of the Commission's responsibilities, thereby enabling the Commission to devote greater attention to the issues that require studied consideration and policy determinations, while assuring the public of expeditious action on items of concern.

(Federal Power Act, as amended, 16 U.S.C. 792-823c; Natural Gas Act, as amended, 15 U.S.C. 717-717w; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432, Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645; Department of Energy Organization Act, 42 U.S.C. 7107-7352; E.O. 12009, 3 CFR 142 (1978)).

List of Subjects in 18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

In consideration of the foregoing, the Commission amends Chapter 1 of Title 18, Code of Federal Regulations, as set forth below, effective April 21, 1982.

Kenneth F. Plumb,

Secretary.

PART 375—THE COMMISSION

§ 375.302 [Amended]

1. Section 375.302 is amended by revoking and removing the text of paragraphs (m) and (p) and reserving those paragraphs for future use.

2. Section 375.303 is amended by removing paragraph (c), by redesignating paragraphs (d), (e), (f) and (g) as (c), (d), (e) and (f) respectively, and by revising paragraphs (b) and newly designated (e) to read as follows:

§ 375.303 Delegations to the Chief Accountant.

The Commission authorizes the Chief Accountant or the Chief Accountant's designee to:

* * * * *

(b) Pass upon any proposed accounting matters submitted by or on behalf of public utilities, licensees and natural gas companies, that require Commission approval under the Uniform System of Accounts, except that if the proposed accounting matters involve unusually large transactions or unique or controversial features, the Chief Accountant shall present the matters to the Commission for consideration.

* * * * *

(e) Pass upon any uncontested application for authorization to issue securities or to assume obligations and liabilities, filed by public utilities and licensees pursuant to Part 34 of this chapter.

* * * * *

3. Section 375.307 is amended (1) in paragraph (a) by revising the introductory clause of that paragraph, by revising paragraph (10) and by adding a new paragraph (14); (2) in paragraph (b) by revising the introductory clause of that paragraph; and (3) by adding new paragraphs (p), (q), (r), and (s), all to read as follows:

§ 375.307 Delegation to the Director of the Office of Pipeline and Producer Regulation.

The Commission authorizes the Director of the Office of Pipeline and Producer Regulation or the Director's designee to:

(a) Pass upon the following types of uncontested applications or uncontested amendments to applications and impose appropriate conditons:

* * * * *

(10) Applications to take the following actions pursuant to section 7(c) of the Natural Gas Act, if such applications provide that the sales volumes remain within total existing contract demand and certificate levels:

(i) Change delivery points for existing sales customers;

(ii) Add new delivery points for existing sales customers; and

(iii) Change volumes of gas to be delivered from one to another of an existing sales customer's delivery points;

* * * * *

(14) Applications filed under section 1(c) of the Natural Gas Act and pursuant to Part 152 of this chapter, for declaration of exemption from the provisions of the Natural Gas Act.

(b) Act upon filings for all initial rate schedules, rate schedule changes and notices of changes in rates submitted by gas companies and impose such appropriate conditions, to the following extent, in uncontested cases:

* * * * *

(p) In uncontested cases, take the following actions on all or part of any certificate and related rate schedule of an independent producer to the extent the service is no longer subject to Commission jurisdiction under the Natural Gas Act:

(1) Upon request of the filing party, vacate the order previously issued granting a certificate of public convenience and necessity; and

(2) Upon request of the filing party or where the certificate or application is currently being or has been previously withdrawn, cancel the prior acceptance of, and permit withdrawal of, the related rate schedule.

(q) Pass upon an uncontested request for extension of time to file a report for an extension of authorization to transport or sell natural gas under sections 311 (a) and (b) of the Natural Gas Policy Act when such report must be filed pursuant to §§ 284.106(c), 284.126(c), or 284.148(c) of this chapter. If such report for which an extension of time has been granted by the Director under this paragraph is filed late, the Director will notify the one making such filing that there will be 90 days for Commission consideration of extension of authorization requested by the report, after which time an extension of authorization is deemed granted if the Commission has not acted.

(r) Pass upon an uncontested request from one holding an authorization, granted pursuant to the Director's delegated authority, to vacate all or part of such authorization.

(s) Pass upon any notice of intervention or petition to intervene, filed in an uncontested application or an uncontested rate schedule proceeding.

6. Section 375.308 is amended by revising paragraphs (l) and (z)(2), and by adding new paragraphs (tt), (uu), (vv), and (ww), all to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

The Commission authorizes the Director of the Office of Electric Power Regulation or the Director's designee to:

* * * * *

(l) Accept for filing all uncontested initial rate schedules and uncontested rate schedule changes, including changes which would result in rate increases, that are submitted by public utilities and licensees; waive the requirement of statutory notice for good cause shown; advise the filing party of such acceptances; and designate rate schedules and the effective dates thereof.

* * * * *

(z) Take appropriate action on:

* * * * * *

(2) Uncontested applications for the following:

* * * * *

(tt) Issue an order pursuant to section 5 of the Federal Power Act to cancel a preliminary permit, if the permittee fails to comply with the specific terms and conditions of the permit; provided,

(1) The Director gives notice to the permittee of probable cancellation, no less than 30 days prior to the issuance of the cancellation order, and

(2) The permittee does not oppose the issuance of the cancellation order.

(uu) Issue an order to revoke an exemption of a small conduit hydroelectric facility from the licensing provisions of Part I of the Federal Power Act granted pursuant to § 4.93 of this chapter or an exemption of a small hydroelectric power project from the licensing provisions of Part I of the Federal Power Act granted pursuant to § 4.105 of this chapter, if the exemption holder fails to begin or complete actual construction of the exempted facility or project within the time specified in the order granting the exemption or Commission rules; provided,

(1) the Director gives notice to the exemption holder of probable revocation no less than 30 days prior to the issuance of the revocation order, and

(2) the holder of the exemption does not oppose the issuance of the revocation order.

(vv) Issue an order pursuant to section 13 of the Federal Power Act to terminate a license granted under Part I of the Federal Power Act, if the licensee fails to commence actual construction of the project works within the time prescribed in the license; provided,

(1) the Director gives notice to the licensee of probable termination no less than 90 days prior to the issuance of the termination order, by registered mail, and

(2) the licensee does not oppose the issuance of the termination order.

(ww) Pass upon any notice of intervention or petition to intervene, filed in an uncontested rate schedule proceeding.

§ 375.309 [Amended]

7. Section 375.309 is amended:

(a) By removing from the title the phrase "Director of the Office of Enforcement", and inserting in lieu thereof the phrase "General Counsel";

(b) By revising the introductory clause, to read: "The Commission authorizes the General Counsel or the General Counsel's designee to:" and

(c) In paragraphs (a), (b), (c), and (d), by removing the phrase "Office of Enforcement" where it appears and inserting in lieu thereof the phrase "Office of the General Counsel".

[FR Doc. 82-11381 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 15

[Docket No. R-82-943]

Production or Disclosure of Material or Information

AGENCY: Housing and Urban Development Department (HUD).

ACTION: Final rule.

SUMMARY: This rule amends the fee schedule for freedom of information request by permitting HUD to increase the hourly rates for search time and permit charges for computer services up to the actual cost of providing the requested information under the Freedom of Information Act. Further, it authorizes administrative review by the General Counsel of a refusal to waive or reduce a fee.

EFFECTIVE DATE: May 26, 1982.

FOR FURTHER INFORMATION CONTACT: David D. White, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone no. (202) 755-7137. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: These revisions to HUD's fee schedule for Freedom of Information requests permit a reasonable charge for computer services and increase the hourly rates for search and copying. If fees are expected to exceed $25.00, notice and an opportunity to appeal any fee determinations must be given to the requested party.

Notice of the proposed rulemaking was published in the **Federal Register** on November 3, 1981 at 46 FR 54571 and comments were solicited from the public for a period of thirty days. Only one comment was received. The comment suggested that the criteria for fee waiver, 24 CFR 15.14(h), be more specific so as to instruct both HUD staff and the general public on when fees should be waived based on the public interest of the request. The Department determined that the suggested criteria would unduly limit its statutory discretion in this area by specifically stating when a fee could be waived or reduced and decided not to change the regulation pursuant to the comment.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 5218, 451 Seventh Street, SW., Washington, D.C. 20410.

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

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities.

This rule was listed as item (C)1(S-1-81) under the Office of the Secretary in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 15

Freedom of information, Classified information.

PART 15—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Accordingly, 24 CFR 15.14 is revised to read as follows:

§ 15.14 Fees.

(a) Information provided routinely in the normal course of doing business will be provided at no charge.

(b) Except as otherwise provided, fees will be charged for copies of records furnished under this part and for time spent in locating and reproducing them in accordance with the following fee schedule:

(1) Search time for each quarter hour in excess of the first quarter hour:

(i) Clerical	$2.00
(ii) Professional	$4.00

Whenever possible, clerical time shall be used to process requests.

(2) Copies of documents, xerox or equivalent, page size up to 8½ by 14 inches, per page: $.10.

(c) When a response to a request requires services or materials other than those described in paragraph (b) of this section, charges shall be assessed to recover the actual costs of such services and material to the agency. Such charges may include the costs (at rates charged users within HUD) of programming services, computer time, and teleprocessing connect time.

(d) No charge will be assessed when the amount due, in the aggregate, totals no more than $5.00.

(e) No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents.

(f) Ordinarily no charge for search time will be assessed when the records requested are not found or when the records located are withheld as exempt. However, if the requester has been notified of the estimated cost of the search time and has been advised specifically that the requested records may not exist or may be withheld as exempt, fees shall be charged.

(g) Where it is anticipated that the fee chargeable under this part will exceed $25.00 and the requesting party has not indicated in advance a willingness to pay so high a fee, the requesting party shall be promptly informed of the amount of the anticipated fee or such portion thereof as can readily be estimated. The notification shall offer the requesting party the opportunity to confer with agency representatives for the purpose of reformulating the request so as to meet that party's needs at a reduced cost.

(h) The official authorized to grant access to records may waive or reduce the applicable fee where special circumstances, including but not limited to the public interest, warrant such waiver or reduction. A determination that furnishing the records at a waived or reduced cost is in the public interest shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester. These determinations will be subject to administrative review as provided in § 15.61 after the decision on the request for access has been made.

(i) Payment of fees under this section shall be made in cash or by U.S. money order or by certified bank check payable to the Treasurer of the United States.

(5 U.S.C. 552 and 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

Dated: April 19, 1982.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 82-11334 Filed 4-23-82; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-82-1120]

Low-Income Public Housing Development; Processing Procedures; Prototype Cost Determination

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Housing and Urban Development Department (HUD).

ACTION: Notice of prototype cost determinations.

SUMMARY: This Notice establishes prototype cost limits for development of low-income public housing and Indian housing new construction projects under the United States Housing Act of 1937. It has been determined that the prototype cost schedules published in the Federal Register on June 29, 1981 (46 FR 33468) will remain in effect until the next annual prototype cost publication scheduled on or about May 1, 1982. Whereas previously semi-annual updates were published, HUD has determined that it would be preferable to maintain the present level of prototype cost limits in effect until the next statutorily required update.

EFFECTIVE DATE: April 26, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6248, 451 7th Street, SW., Washington, D.C. 20410; (202) 755-4956. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for dwelling construction and dwelling equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. This determination must be made at least once a year and published in the **Federal Register.**

Information obtained from HUD field offices indicates that the construction bids currently being received on public housing projects are at or below the prototype costs now in effect. This condition, according to the field analysts, was attributed to a more intense competitive bidding environment due to a decline in housing starts. In view of this condition, increases to prototype costs would be inappropriate at this time and inconsistent with the Department's cost containment policy.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact will be available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, HUD, 451 7th Street, SW., Washington, DC. 20410.

The Catalog of Federal Domestic Assistance program numbers are: 14.146, Low-Income Housing-Assistance Program (public housing), and 14.147, Low-Income Housing-Homeownership for Low-Income Families Turnkey III, Mutual Help for Indians).

List of Subjects in 24 CFR Part 841

Public housing, Prototype costs.

Accordingly, the prototype per unit cost schedules for all prototype cost areas, issued under 24 CFR Part 841, Prototype Cost Limits for Low Income Public Housing, on June 29, 1981 (46 FR 33468) will remain in effect until further notice.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)); sec. 6(b) of the U.S. Housing Act of 1937, (42 U.S.C. 1437(d)))

Dated: April 19, 1982.

Philip Abrams,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 82-11249 Filed 4-23-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Buffalo National River, Arkansas; Motor Boat Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rule allows the use of motors to propel boats on the Buffalo River below Erbie Ford for approximately 109 miles, but establishes a maximum size of 10 horsepower. This restriction on motor size is necessary due to the characteristics of the rocky, narrow stream channel and because most visitors use non-motorized boats. Motorized boats are prohibited on 25 miles of the upper river which includes two wilderness areas. The regulation provides for the maintenance of the natural qualities of the Buffalo River and helps to reduce the conflicts between people using motorized and non-motorized boats.

EFFECTIVE DATE: May 26, 1982.

FOR FURTHER INFORMATION CONTACT: Alec Gould, Superintendent, Buffalo National River, P.O. Box 1173, Harrison, Arkansas 72601, Telephone: 501–741–5443.

SUPPLEMENTARY INFORMATION:

Background

The legislative history and the Master Plan for Buffalo National River placed emphasis upon both preservation and use of the unspoiled natural resources of the free-flowing stream. Most visitors use canoes to float the river. Some visitors, mostly local people, use johnboats with small motors, especially on the middle and lower portions of the river. The issue at hand is whether to regulate the size and use of motor powered boats on the river. The National Park Service has found that only limited regulation of motors is necessary.

The motor boat regulation will protect visitors and resources within Buffalo National River and it will enhance the visitor's river experience. The rule will provide for a reduction in visitor use conflicts in the shallow, rocky, narrow stream channels where power boats and hand-powered craft are sometimes in conflict. It will also enhance the visitor's float down the wild, free-flowing river by reducing the man-made noise, waves, and speed common to large motor driven boats.

This regulation was published as a proposed rule in the **Federal Register**, November 21, 1980, (45 FR 77049).

The proposed rule on motor boats restricted their use to the area between Highway 14 access and the White River, a distance of 33 miles. In all other river locations internal combustion engines would have been prohibited. In the final rule, this restriction was significantly modified. During the public review period, the park received comments from interested individuals in several forms.

Summary of Public Comment

Individuals numbering 1,666 signed petitions opposing a restriction of gasoline motors on the Buffalo National River. The petitions read:

> We the undersigned are opposed to the rules being proposed by the National Park Service that would prohibit the use of gasoline, diesel, or other internal combustion engines to propel water craft on Buffalo National River.

Also included in the public comments received were 18 responses where individuals expressed opposition to the proposed restrictions on motors, but offered no reason for the opposition or alternatives to the proposed regulation.

Some 202 individuals submitted identical letters voicing opposition to the elimination of motors above Highway 14, stating that an individual using a johnboat needs a motor from five to ten horsepower to safely negotiate the many rapids along the river. According to the letters, a motor is also necessary for the heavier johnboats to cover the long distances between the put-in and take-out points and a motor is especially critical to power the larger commissary boats used in overnight camp trips which are loaded with the food, tents, cots, and other provisions for extended trips on the Buffalo. They stated that complete elimination of motors above the Highway 14 bridge would discriminate against the elderly and handicapped persons who might only be able to make a Buffalo trip through the aid of a motorized craft. They recommended that the prohibition on motors should be eliminated altogether, or at least moved from the Highway 14 bridge, up river to the Highway 123 bridge, adding approximately 55 miles to the length of the river for motor boat use.

Ten letters were received that suggested a horsepower restriction of 10 horsepower or under would provide the visitor, professional guides, the outfitters, and the fishermen with the ability to move up or down stream carrying the gear necessary for camping and fishing, and allow handicapped individuals a means of enjoying the river and still avoid major conflicts between motor boats and canoeists using the river. They also stated that these smaller engines create less noise and less water pollution than a larger outboard motor, and are more compatible with the character of the Buffalo National River. They suggested that this horsepower limitation would also allow individuals to spend three or four days on the river which could not be done if they were only allowed to use an electric motor, as electric motors must be recharged frequently. Individuals on a two or three day trip would not have the capacity for this recharge operation.

Three respondents stated that in their opinion, the aquatic fauna and flora of the river were not damaged by the petro-chemical pollutants from outboard motors. The National Marine Manufacturers Association submitted copies of a report that, in their opinion, proved that motor driven boats do not pollute the aquatic environment. However, this report entitled "Analysis of Pollution from Marine Engines and Effects on Environment," was conducted on a lake environment and the results may or may not apply to river systems. The Association also suggested that the complaints against noise from power boats do not result from the small conventional outboard motors used for fishing or family cruising. They suggested that the noise problem be solved by imposing maximum motor boat noise levels. This proposal was not acceptable because it would not be practical to enforce a noise level regulation.

Four other respondents suggested that an alternative to total closure would be seasonal limitation. The suggestion included restriction of motors between June 15 and September 30 each year, or restrictions during weekends from May 1 to September 1, or allowing motor boat use when water levels are above a certain stage. This proposal was rejected as this seasonal closure would be difficult for the public to understand, and it would still prohibit use in the summer for the elderly and the handicapped.

Three respondents stated that their recreational use of the river would be severely curtailed if the ban on motors was implemented and suggested that this was discriminatory towards the

local individuals who utilized the river for fishing as their major source of recreation.

Six letters were received from individuals and a group, the Boy Scouts of America—Camp Orr Committee, who agreed with the proposed regulation and recommended that it be implemented as proposed.

Based on the public comments received and the legislative history of the Buffalo National River, the final regulation was amended to allow for the continued use of motors with ratings of 10 horsepower or less from the Erbie Ford to the White River.

The Erbie Ford is located 3.6 miles downstream from the Boy Scout Camp Orr, which is situated at the downstream end of the Ponca Wilderness Area. Historically, fewer boats with motors used this upper section of the river because of the shallow, narrow, and rocky streambed. The absence of boats with motors in the Ponca Wilderness Area will be in keeping with the wilderness environment and bring the Ponca Wilderness Area and the Upper Buffalo Wilderness Area into compliance with the Wilderness Act of 1964, which prohibits the use of motor boats in wilderness areas except under certain circumstances. Canoeists, Scouts, and others desiring a pristine river float guaranteed to be free from the presence of motor boats will have a 15 mile stretch of the upper river from Ponca to the Erbie Ford. (Above Ponca, the float season is extremely limited.) From the Erbie Ford to the White River is a distance of 109 miles. Thus, the regulation leaves most of the Buffalo River open for use by boats with motors of 10 horsepower or less.

One provision of the proposed rule which was published in the Federal Register, November 21, 1980, (45 FR 77049) stated that all caves located on federally owned lands within the exterior boundaries of Buffalo National River would be closed except those listed as open, and after issuance of a permit. The purpose of this provision was to protect the natural resources of the wild cave system and to promote the safety of visitors who may enter the caves.

Twenty comments were received concerning the proposed restricted access to the cave system. These comments came from individual cavers, cave oriented groups, newspaper editorials, and other interested persons. The most recurring comment in regard to cave closures was that all caves should not be closed to recreational caving. Nearly all correspondence from individual cavers and those groups that concern themselves with technical and/or organized caving activities, supported the proposed restriction of cave visits to some degree. Nearly all were very concerned, however, that some type of evaluation or ranking system be developed to allow responsible cavers to continue to use even fragile cave resources.

Closure or restricted use of caves for reasons relating to visitor safety was an item of concern for a few respondents. While several comments supported visitor safety as a justification for restricted cave access, others felt that anything more than information and publication of hazard ratings would interfere with individual's rights to make his/her own decision.

Several concerns were expressed about proposed cave closures to protect endangered bat species. Most of the comments were supportive of protection of bats to some degree. Few, however, were in favor of year round closure to protect bat colonies.

Comments were also received stating that wild caves should remain undeveloped and guided tours implemented only if needed for protection of the resource. They stated that formalized development of any Buffalo National River cave system for interpretive use was not a wanted or needed activity.

In response to these public comments the National Park Service is adopting a less restrictive policy for cave management than that in the proposed rule. This provision of the proposed rule will not be implemented. Sufficient authority already exists in 36 CFR 2.6 to manage caves at Buffalo National River with less restrictions, but with provisions for the closing of selected caves and limited regulation of public use. Primary emphasis will be given to protection of endangered species and fragile natural formations.

Compliance With Other Laws

The National Park Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193; February 19, 1981), nor is it a major Federal action significantly affecting the quality of the human environment which would require preparation of an Environmental Impact Statement. Since this regulation was proposed in 1980, it is not subject to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, 94 Stat. 1164) which became effective January 1, 1981.

This rule does not contain an information collection or recordkeeping requirement as defined in the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*; 94 Stat. 2812).

Drafting Information

These regulations were written by Alec Gould, Superintendent, Buffalo National River.

(Sec. 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; (16 U.S.C. 3))

List of Subjects in 36 CFR Part 7

National parks.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, Part 7 of Title 36, of the Code of Federal Regulations is hereby amended by the addition of a new § 7.35 as follows:

§ 7.35 Buffalo National River.

Gasoline, diesel, or other internal combustion engines with a rating of 10 horsepower or less may be used to propel watercraft on Buffalo National River from Erbie Ford to the White River. Boats with motors are prohibited on the river above Erbie Ford. The provisions of this paragraph shall not apply to vessels operated for official use by agency of the United States, the National Park Service, the State of Arkansas or its political subdivisions.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

March 30, 1982.

[FR Doc. 82-11298 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-70-M

POSTAL SERVICE

39 CFR Part 266

Privacy Act of 1974; Privacy of Information

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of this document is to publish the final rule in accordance with the Postal Service's claim of an exemption from specified provisions of the Privacy Act for its system of records within which Equal Employment Opportunity (EEO) investigative case files are maintained. This exemption is claimed in order to provide greater protection of the privacy rights of third parties whose records, by virtue of EEO

statutes and regulations, are included in the case files without their consent during the EEO investigative research process.

EFFECTIVE DATE: May 26, 1982.

FOR FURTHER INFORMATION CONTACT: Martha Smith, (202) 245-5568.

SUPPLEMENTARY INFORMATION: On February 11, 1982, the Postal Service published for comment in the Federal Register (47 FR 6295) notice of a proposal to claim an additional exemption for system of records USPS 030.10, Equal Employment Opportunity—EEO Discrimination Complaint Investigations. No comments were received. The Postal Service has determined, in consideration of two privacy issues—

(1) The right of access to the file by the subject of the records, and

(2) The need to protect the privacy of third parties whose records are included in the case files without their consent—

that it is necessary to amend Title 39 Code of Federal Regulations Part 266 and to publish this final rule.

List of Subjects in 39 CFR Part 266

Postal Service, Privacy.

PART 266—PRIVACY OF INFORMATION

Accordingly, in § 266.9, paragraph (b)(6) is revised to read as follows:

§ 266.9 Exemption.

* * * * *

(b) * * *

(6) Equal Employment Opportunity—EEO Discrimination Complaint Investigations. USPS 030.010 from 5 U.S.C. 552a (d)(1)–(4), (e)(4) (G) and (H) and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2) as material compiled for law enforcement purposes and (k)(5) as relating to the identity of a source who has furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility, or qualifications of an individual for employment.

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82-11301 Filed 4-23-82; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2074-5]

Approval and Promulgation of Nonattainment Plan for Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving changes to two regulations in the Illinois State Implementation Plan (SIP). The two changes concern fugitive particle emissions and stationary source hydrocarbon emissions. These changes satisfy requirements of Part D of the Clean Air Act. The purpose of this document is to discuss the public comments received and to announce EPA's final rulemaking action approving the proposed revisions to the Illinois State Implementation Plan (SIP).

EFFECTIVE DATE: May 26, 1982.

ADDRESSES: Copies of the proposed SIP revision, the public comments received on the Notice of Proposed Rulemaking (45 FR 59597) and response to the comments are available at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 Dearborn Street, Chicago, Illinois 60604;

U.S. 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, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; (312) 886-6035.

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act, as amended in 1977, required each state to revise its SIP to meet specific requirements for areas designated as not attaining the National Ambient Air Quality Standards (NAAQS). The SIP revisions must demonstrate attainment of the NAAQS by December 31,1982, and in certain circumstances no later than December 31, 1987 for ozone and/or carbon monoxide. The requirements for an appropriate SIP are described in a Federal Register notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979, notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

On April 3, 1979, the State of Illinois submitted a draft SIP to EPA to satisfy the requirements of Part D of the Act. EPA published a notice of proposed rulemaking on these draft SIP revisions on July 2, 1979 (44 FR 38587) and a correction notice on September 20, 1979 (44 FR 54500).

In the July 2, 1979 notice, EPA indicated that the regulations in the State's submittal were preliminarily adopted by the Illinois Pollution Control Board (IPCB) and would be finally adopted after completion of necessary State administrative procedures. EPA stated that until all State administrative requirements were satisfied, it would not complete federal rulemaking on the SIP revisions. EPA also indicated that any substantive changes in the final SIP which were not discussed or anticipated in the Notice of Proposed Rulemaking would be addressed in additional Notices of Proposed Rulemaking. On November 16, 1979, December 21, 1979, and January 25, 1980, EPA received letters from the State of Illinois which demonstrated that, with one exception, all regulations were finally adopted. EPA's review of these finally enacted regulations indicated that changes were made in some of the regulations after the publication of the Notice of Proposed Rulemaking on July 2, 1979.

Therefore, in the February 21, 1979 Federal Register (45 11472), EPA took no rulemaking action in regard to those portions of regulations which were changed between the submittal of the draft State Implementation Plan on April 3, 1979, and the submittal of the final State Implementation Plan. A discussion of the changed portions of Rule 203(f) and Rule 205 was presented in a September 10, 1980, Notice of Proposed Rulemaking (45 FR 59597).

EPA received public comments on the September 10, 1980, Notice of Proposed Rulemaking from the State, a citizen's group, and from an attorney representing three steel companies. These comments are discussed below. In addition, the three steel companies asked that EPA incorporate into the record by reference the entire rulemaking proceedings before the Illinois Pollution Control Board on Rule 203(f) and the full record of proceedings before the Illinois Environmental Protection Agency relating to the 1979 SIP revisions. These records have been submitted by the commentor as part of the rulemaking proceedings on particulate emissions from iron and steel sources (45 FR 50825; July 31, 1980) and are available in the IL 103080.029 file.

Rule 203(f)—Fugitive Particulate Emission Control Regulations—Public Comments and EPA Response

1. Illinois' draft rule governing fugitive particulate emissions restricted conveying operations to 10 percent opacity. Illinois deleted this limitation in the rule that it adopted. Conveying operations are subject to the provisions of Rule 203(f)(3)(E) which require dust treatment methods such as spraying with water or surfactants and utilizing enclosures. In the September 10, 1980 **Federal Register**, EPA proposed to approve the requirements of Rule 203(f)(3)(E) for conveying operations.

Public Comments

EPA received comments on its proposed approval from the State, the three steel mills, and the citizens' group. The State and the steel mills urged EPA to approve the rule. The citizen's group opposes approval of the rule without an opacity limitation for conveyor operations. The citizen's group contends that the use of dust treatment methods does not satisfy the statutory requirement for Reasonably Available Control Technology (RACT). They argue that these requirements do not constitute an emission limitation and are not as effective as covers and positive exhaust to a baghouse. The commentor notes that EPA has defined a 10 percent emission limit based on the use of covers and positive exhaust to a gas cleaner as Best Available Control Technology (BACT) for the purposes of Prevention of Significant Deterioration (PSD) in attainment areas. The commentor states that unless a showing of economic or technological infeasibility is made, Rule 203(f)(3)(E) must contain a ten percent opacity limit and require more stringent technology.

EPA Response

EPA concurs with the State's assessment that the use of dust treatment methods on conveyors constitutes RACT. EPA's position is supported by a recent opinion on the enforceability of Rule 203(f) by the United States Court of Appeals for the Seventh Circuit ("Citizens for A Better Environment v. EPA," 649 F.2d 522 (7th Cir. 1981)). The Court refuted contentions that technology based requirements are not emission limitations and that numerical percentage reductions must be used.

The commentor also asserts that dust treatment methods do not represent RACT since more stringent technologies are available. As the commentor admits, however, the technologies it cites represent BACT rather than RACT. RACT is defined as "the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility." A November 1, 1979 opinion by the Illinois Pollution Control Board indicates that it considered both economic and technological feasibility in establishing the requirements of Rule 203(f)(3)(E). Consequently, EPA approves Rule 203(f)(3)E) as part of the Illinois SIP.

One commentor also requested that EPA obtain and include a copy of an Environmental Impact Statement for a proposed steel plant. EPA has not done so since it is the obligation of a commentor to obtain and submit copies of materials for inclusion in the record.

2. Illinois' adopted rule added an exemption to Rule 203(f)(3)(A) eliminating control requirements from storage piles if a demonstration is made that fugitive emissions from the pile do not cross the property line. In the September 10, 1980 **Federal Reigster**, USEPA propsed to disapprove this exemption based on its policy that the National Ambient Air Quality Standards must be attained on company property where physical access by the general public is not precluded. EPA noted that the exemption related solely to a company's property line without regard to accessibility by the general public.

Public Comments

Comments were submitted on EPA's proposed disapproval by a citizen's group, three steel companies, and the State. The citizen's group urged EPA to disapprove the exemption contending that: (1) The State had not documented the effect this exemption would have on the emissions inventory and on ambient air quality; (2) the exemption is unenforceable because no criteria are specified to make the determination; (3) prior to granting an exemption, the SIP must be revised so that the public can participate in the determination and know what standard applied to a given storage pile; and (4) although emissions from storage piles might not be visible at the property line, small particles could be entering the ambient air and reentrainment could be occurring.

The steel companies contend that EPA must approve this exemption citing EPA's 1972 approval of Rule 203(f)(1) which utilizes the property line concept to determine if fugitive emissions are occurring. They also allege that disapproval would illegally change the meaning of the rule as enacted by the State. Finally, the steel companies state that EPA would otherwise change its definition of "ambient air" without formal rulemaking.

The State urges EPA to approve the exemption indicating that it interprets the exemption as applying only where a company's property is not open to public access. The State also indicates that its definition of "ambient air" in Rule 101, of the Illinois SIP is consistent with EPA's definition. Further, the State offers to attempt to obtain a supplemental opinion from the Illinois Pollution Control Board to support this interpretation. In followup conversations the State indicates it is its position that a source must use monitoring to make a showing that no emissions cross the property line in order to claim an exemption. It is further its position that the logical time for an exemption request to be made is when application is made for an operating permit prior to December 31, 1982.

EPA Response

Based on these comments, EPA believes that its initial concerns are unfounded. Therefore, EPA approves the exemption in Rule 203(f)(3)(A) as part of the Illinois SIP. EPA believes that the State's definition of "ambient air" is more stringent than its definition at 40 CFR 50.1(e) because the State's definition includes all of the atmosphere external to buildings whereas EPA's definition only includes the atmosphere external to buildings to which the general public has access. Therefore, the NAAQS must be attained on company property regardless of accessibility of the general public. EPA's response to the citizen's groups comments follow: (1) The State need not document the effect this exemption will have on its emissions inventory since actual emissions will not change as a result of the exception. Further, the exemption will not affect air quality since, by its terms, no emissions are allowed to enter the ambient air, as defined at 40 CFR 50.1(e).

(2) Although no criteria are specified in the rule, the burden of proof is on the owner or operator of the storage pile to demonstrate that fugitive emissions from the pile do not cross the property line. EPA believes that this demonstration can be made in various ways including modeling and monitoring. If the owner or operator cannot satisfactorily demonstrate that no emissions cross the property line, no exemption will be granted.

(3) Rule 203(f) requires owners and operators of sources of fugitive particulate matter to adopt operating programs which must be submitted to the State. Rule 203(f) further requires

that sources must be operated under the provisions of the operating program. EPA believes that owners and operators of storage piles must demonstrate that they qualify for the exemption by December 31, 1982 when their operating programs are due. In "Citizens for A Better Environment v. EPA" (649 F.2d 522 (7th Cir. 1981)), the 7th Circuit concluded that "it is not necessary that the operating programs specifically be made part of the SIP. Because Rule 203(f) is approved by EPA, the operating programs under Rule 203(f) are subject to challenge and review."

(4) EPA agrees with the commentor that a visibility test is not conclusive evidence that emissions are not crossing the property line and entering the ambient air. As discussed above, EPA believes that other methods such as modeling and monitoring do exist for demonstrating that emissions do not cross the property line. The burden of proof is on the owner and operator to make a satisfactory demonstration. In response to the commentor's concern about reentrainment, Rule 203(f)(3)(A) specifically bars use of the exemption when emissions cross property lines by either direct wind action or reentrainment.

Rule 205—Stationary Source Hydrocarbon Control Regulations—Public Comments and EPA Response

EPA proposed to approve a modification to Rule 205(k)(1) which specifies that an owner or operator satisfying the requirements of Rule 205(k)(1) (A) or (B) is exempt from all provisions of Rules 205(k) (2) and (3). The State submitted the only comment. It agreed with EPA's proposed action. Therefore, EPA approves Rule 205(k)(1) as part of the Illinois SIP.

Under Section 207(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 April 26, 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 and disapproves State actions. It imposes no new requirements.

This regulation is exempted from OMB review under Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110, 172 and 301(a), Clean Air Act (42 U.S.C. 7410, 7502 and 7601(a))

Dated: April 5, 1982.

Anne M. Gorsuch,

Administrator.

PART 40—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.720(c) is amended by removing and reserving subdivisions (i), (ii) and (iii) of subparagraph (16):

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(16) * * *

(i)—(iii) [Reserved]

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[FR Doc. 82-11287 Filed 4-23-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-1-FRL-2078-5]

Approval and Promulgation of Implementation Plans; Rhode Island, Group II CTGs and Revisions to Existing SIP Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of Rhode Island. These revisions will reduce emissions of volatile organic compounds by regulating emissions from external floating roof petroleum storage vessels, Stage I vapor recovery and solvent metal cleaning. Approval of these regulations will help meet the requirements of part D of the Clean Air Act to attain the ozone (smog) National Ambient Air Quality Standard. This document also approves the transfer of control of hazardous waste incineration from the air pollution regulations to the hazardous waste regulations.

EFFECTIVE DATE: May 26, 1982.

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On January 14, 1982 (47 FR 2129), EPA published a Notice of Proposed Rulemaking (NPR) for Rhode Island Group II CTGs and revisions to existing SIP regulations. Today's notice takes final action to approve regulations controlling emissions from Storage of Petroleum Liquids, Stage I Vapor Controls, Hazardous Waste Incinerators, and Solvent Metal Cleaning. EPA is taking no action at this time on regulations for Pharmaceutical Manufacturing, Perchloroethylene Dry Cleaning, Miscellaneous Metal Coatings, and Leaks from Gasoline Tank Trucks. Except for Regulation 21, Graphic Arts, the state SIP revisions and the rationale for EPA's proposed action are explained in the NPR, have not changed, and will not be restated here. Regarding Regulation 21, the NPR proposed approval conditioned upon the submittal of revisions by July 1, 1982. EPA no longer considers a conditional approval appropriate because the state has already held hearings on revisions to Regulation 21 and expects to submit a revised regulation shortly. EPA is therefore withholding final action on Regulation 21 pending review of the revision. If, as expected, the revised regulation meets the criteria outlined in the NPR, EPA will publish a final approval in the **Federal Register** without the need to conditionally approve this portion of the Rhode Island SIP. No public comments were received on the NPR.

Action

EPA is approving Regulation 11.6, Storage of Petroleum Liquids—External Floating Roof Vessels; Regulation 11.5, Gasoline Service Station Stage I Vapor Controls; Regulation 12.7.1, Hazardous Waste Incinerators; and Regulation 18, Control of Solvent Metal Cleaning Emissions, as submitted on January 9, July 23, and August 17, 1981.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may *not* be challenged later in proceedings to enforce its requirements. (See 307(b)(2).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it merely maintains the status quo. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Sec. 110(a), sec. 301(a), Clean Air Act, as amended (42 U.S.C 7410(a) and 7601(a)))

List of Subjects in 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: April 19, 1982.

Anne M. Gorsuch,

Administrator.

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

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 OO—Rhode Island

Section 52.2070, paragraph (c) is amended by adding subparagraph (15) as follows:

§52.2070 Identification of plan.

* * * * *

(c) * * *

(15) Revisions for Group II CTGs: Storage of Petroleum Liquids—External Floating Roof Vessels (Regulation 11.6); and revisions to existing regulations: Stage I Vapor Controls (Regulation 11.5), Hazardous Waste Incinerators (Regulation 12.7.1), and Control of Solvent Metal Cleaning Emissions (Regulation 18) were submitted on January 9, July 23, and August 17, 1981.

[FR Doc. 82-11296 Filed 4-23-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 228

[WH-FRL-2076-2]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today redesignates an ocean disposal site in the Gulf of Mexico for incineration at sea of organohalogen wastes. This action provides continuing availability of an ocean dumping site for high temperature incineration of these kinds of wastes. The Gulf Incineration Site has been used in the past for the successful incineration of organohalogens, and no significant adverse impacts were detected during these burns. Redesignation will enable the site to continue to be used for the at-sea incineration of wastes in conjunction with authorized permits, in addition to research permits which do not require use of a designated site.

DATE: This site designation will become effective on May 26, 1982.

ADDRESS: The final EIS, reports, and related information on this action, including the comment received, are available for public inspection at the Public Information Reference Unit (PIRU), Room 2404 (rear), 401 M Street Southwest, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC, 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in this Part 228. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

On October 16, 1981, EPA proposed redesignation of the Gulf Incineration Site for continuing use for the destructive incineration of organohalogen wastes (46 FR 50986). The proposed rulemaking contained detailed information concerning the site and the history of use of the site. The public comment period expired December 16, 1981. EPA received one comment which was favorable to final designation and continuing use.

On April 30, 1976, the original designation of the Gulf Incineration Site was proposed for incineration at sea of organohalogen wastes. EPA prepared an Environmental Impact Statement (EIS) on the site entitled "Designation of a Site in the Gulf of Mexico for Incineration of Chemical Wastes." The final EIS, made available on July 14, 1976, was based on historical information gathered from pre-existing records and data for that part of the Gulf of Mexico. The site was found to meet the site selection criteria in the Ocean Dumping Regulations and Criteria (40 CFR Part 228).

The Gulf Incineration Site received final designation on September 15, 1976 (41 FR 39319). Subsequent to final designation of this site, EPA published a list of "Approved Interim and Final Ocean Dumping Sites" as a part of the Ocean Dumping Regulations (42 FR 2461 et seq., January 11, 1977). The Gulf Incineration Site was approved for continuing use until September 15, 1981.

The location of the site was selected according to the following general criteria: the site should (1) be far enough away from other disposal sites that any impacts which may occur would be readily identifiable; (2) possess favorable oceanographic and meteorological features that will facilitate dispersal of incineration products; (3) be situated far enough offshore to minimize the possibility that the incineration products could reach the land; (4) be located in an area acceptable both to the Coast Guard and the Corps of Engineers; and (5) be removed from areas of commercial or recreational activity or biological significance. In addition, the site was chosen because it was located off the Continental Shelf and on the slope. The site still meets these criteria.

The prevailing winds and currents at the site are normally sufficient to promote effective transport and dispersal of incineration products. The site is of a size that assures that the combustion products in the plume will touch down within the boundaries of the site or will be so diluted by the time they exit the site that they will be undetectable.

Data from the literature and monitoring during previous burns at the site reveal that the water quality at the site is typical of oceanic Gulf waters, both biologically and chemically, and the surface mixed layer at the proposed site is sufficient to allow effective dilution of plume fallout.

The waters at the site appear to be low in nutrient levels and phytoplankton standing crops. Few larvae of commercially important shrimp species are known to be abundant at the site, and it does not support a shellfishery or finfishery. It is 90 kilometers or more from the 180-meter bottom contour which inshore supports numerous submarine banks of scientific interest, such as the East and West Flower Garden Banks. Development or recruitment of nuisance species is unlikely because the incineration products are sterile and the water quality is not affected.

The site is beyond commercial shipping fairways and the normal reach of recreational boats; it is distant from beach and amenity areas, and it is unlikely that detectable combustion products could reach the shore.

Previous use of the site occurred between October 1974 and April 1977. The results of the studies on the incineration method, the vessel, and site impacts are reported in "Disposal of Organochlorine Wastes by Incineration at Sea" (EPA–430–9–75–014) and "At-Sea Incineration of Organochlorine Wastes Onboard the M/T *Vulcanus*" (EPA–600–2–77–196). The results of previous burns at the site indicated that no unacceptable adverse impacts have resulted from use of the site.

In addition, in late 1981, a burn of PCB's took place at the site pursuant to a research permit. (A designated site is not required for a research permit.) Preliminary results of this burn also indicate no unacceptable adverse impacts to the site. This most recent burn took place subsequent to the publication in the **Federal Register** of proposed rulemaking on the redesignation and the close of the 60-day comment period on it.

Based on information in the final EIS and the fact that there has been no environmental impact from previous burns at the site, it is concluded that the Gulf Incineration Site is suitable for use as an ocean incineration site.

A designated ocean incineration site is required for permits other than research and emergency permits. The purpose of this final rulemaking is to redesignate this site for continuing use, allowing more flexibility in permit requirements.

We are therefore amending § 228.12 to redesignate the Gulf Incineration Site for continuing use and to transfer management of the site to EPA Headquarters pursuant to § 228.3 to facilitate the efficient and timely processing of permit applications and issuance of permits.

The site will be monitored by the permittees or their contractors and by EPA or its contractors. Permittees will be required to monitor every burn to ensure that the operating conditions on the vessel remain above minimum requirements and that, therefore, the requisite combustion and destruction efficiencies are being met at all times. EPA will reserve the right to place personnel on the incineration vessel during any burn to ensure that the shipboard monitoring meets or exceeds the permit requirements. In addition, periodically EPA will monitor the marine environment at the site. This may include both the water and air and may occur during actual burns or be a supplement to ensure that any adverse impacts which may be observed at the site return to ambient conditions between burns.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities. The site designation will have only the effect of providing a disposal option for incineration at sea of toxic chemical wastes. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The site designation is hereby promulgated without change, as set forth below.

List of Subjects in 40 CFR Part 228

Water pollution control.

(33 U.S.C. 1412 and 1418)

Dated: March 8, 1982.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by revising the paragraph "Period of Use" in paragraph (b)(1) of § 228.12 to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(1) Gulf Ocean Incineration Site—Headquarters.

* * * * *

Period of Use: Continuing use.

* * * * *

[FR Doc. 82–11164 Filed 4–23–82; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6240

[M–40968]

Montana; Partial Revocation of Executive Order Dated December 27, 1919, Public Water Reserve No. 68

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order as to 7 tracts containing 320 acres which were withdrawn for public water reserve purposes. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: May 22, 1982.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406–657–6291.

SUPPLEMENTARY INFORMATION: 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. The Executive Order of December 27, 1919, creating Public Water Reserve No. 68, is hereby revoked insofar as it affects the following described lands:

Principal Meridian

T. 25 N., R. 43 E.,
  Sec. 20, SW¼SW¼;
  Sec. 24, S½SE¼.
T. 25 N., R. 45 E.,
  Sec. 7, NE¼SW¼;
  Sec. 14, SW¼SW¼.
T. 24 N., R. 46 E.,
  Sec. 7, NE¼NW¼.
T. 25 N., R. 47 E.,
  Sec. 9, SE¼SE¼.
T. 26 N., R. 47 E.,
  Sec. 30, NE¼NE¼.

The area described contains 320 acres in McCone County.

2. At 8 a.m. on May 22, 1982, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on May 22, 1982, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The public lands described above will be open to nonmetalliferous mineral location under the United States mining laws at 8 a.m. on May 22, 1982.

The lands have been and continue to be open to location for metalliferous minerals under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquires concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

April 16, 1982.

[FR Doc. 82-11306 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 13

[FCC 82-146]

Commercial Radio Operators; Amendment of the Commission's Rules to Simplify Examination Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The three written examinations for the FCC General Radiotelephone Operator License will be reduced to one examination. Examination credit will be given for the Marine Radio Operator Permit toward radiotelegraph operator license requirements. The purpose of this action is to simplify FCC examination procedures.

EFFECTIVE DATE: April 26, 1982.

ADDRESS: FCC, Washington, D.C. 20554.

FOR INFORMATION CONTACT: B. C. "Jay" Jackson, Jr., Regional Services Division, Field Operations Bureau, FCC, (202) 632-7240.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 13

Radio operators.

In the matter of amendment of Part 13 of the Commission's rules to Simplify Examination Procedures.

Order

Adopted: April 1, 1982.
Released: April 19, 1982.

1. The Commission has under consideration certain minor changes in its commercial radio operator examination procedures. These changes will simplify examination procedures, without significantly affecting the qualification requirements for licensed radio operators.

Background

2. Historically, the commercial radio operator licenses have been classified broadly as falling into one of two series, the radiotelephone series or the radiotelegraph series.[1] This broad classification follows the classification of radio operator licenses in Article 23, Paragraphs 859 through 860 of the (International) Radio Regulations of the International Telecommunications Union.

3. Recently, the Commission has abolished two of the operator licenses in the radiotelephone series.[2] The remaining radio operator licenses issued by the Commission are as follows:

Radiotelegraph	Radiotelephone
Radiotelegraph first class operator license.	General radiotelephone operator license.
Radiotelegraph second class operator license.	Marine radio operator permit.
Radiotelegraph third class operator permit.	Restricted radiotelephone operator permit.

4. The Marine Radio Operator Permit and all of the radiotelegraph licenses are primarily for radio operators in the Maritime services. The General Radiotelephone Operator License and the Restricted Radiotelephone Operator Permit can be used in a variety of services, including Broadcast, Land Mobile, Aviation, and Marine Services. The commercial licenses could thus be categorized as "maritime" or "general."

5. The basic written examinations for all commercial radio operator licenses, except for the Restricted Radiotelephone Operator Permit, cover examination Elements 1 and 2.[3] Element 1 comprises provisions of basic radio law with which every licensed radio operator should be familiar. Element 2 comprises radio operating procedures and practices generally followed or required in communicating by means of radiotelephone.[4]

6. For many years, the Commission has offered applicants a choice between two versions of examination Elements 1 and 2: An "M" version (maritime) and an "O" version (other than maritime). This choice recognized that some applicants would obtain one of the maritime-related licenses while others would obtain one of the general-purpose licenses. The "M" version of the examination contains more questions about maritime operating procedures than does the "O" version. Otherwise there is little difference between the two versions.

7. When the Commission abolished the Radiotelephone Third Class Operator Permit and created the Marine Radio Operator Permit,[5] the rules were changed to require applicants to pass the "M" version of the Elements 1 and 2 examination in order to obtain the Marine Radio Operator Permit. This was done because the Marine Radio Operator Permit is a maritime-related license, while the Radiotelephone Third Class Operator Permit was a general purpose license.

8. At the same time, the Commission amended the rules so that the Marine Radio Operator Permit could not be used as credit for examination Elements 1 and 2 when applying for a higher class of license. This was done to prevent applicants for the General Radiotelephone Operator License from using the Marine Radio Operator Permit as an interim step, which would result in the unnecessary issuance of thousands of Marine Radio Operator Permits.

9. Currently, applicants for the General Radiotelephone Operator License first take examination Element 3, covering technical, legal, and other matters applicable to the operation of radiotelephone stations other than broadcast. Those who pass Element 3 then take either the "M" or the "O" version of the Elements 1 and 2 examinations (applicant may choose either version).[6] More than 99% of those who pass Element 3 also pass Elements 1 and 2 and are issued General Radiotelephone Operator Licenses. The few who pass Element 3 but fail Element 1 or 2 are issued credit certificates valid for one year, which eliminates the necessity of them having to retake Element 3.

Action

10. By this Order, we are eliminating the "O" version of the Elements 1 and 2 examinations, Element 3 credit certificates, and the Elements 1 and 2 requirement for the General Radiotelephone Operator License. Also, we will allow the holder of any valid commercial radiotelephone operator license, except for the Restricted Radiotelephone Operator Permit, credit for examination Elements 1 and 2 when applying for any commercial radiotelegraph operator license.

[1] See § 13.2 of the Commission's rules, 47 CFR 13.2.

[2] See 79 FCC 2d 281 (1980) and 87 FCC 2d 44 (1981).

[3] The Restricted Radiotelephone Operator Permit does not require any examination.

[4] See § 13.21 of the Commission's rules, 47 CFR 13.21.

[5] See 87 FCC 2d 44 (1980).

[6] Applicants holding a valid Radiotelephone Third Class Operator Permit or any valid radiotelegraph license do not need to retake the examinations covering Elements 1 and 2.

11. Henceforth, the only written examination required to obtain a General Radiotelephone Operator License will be the Element 3 examination. Because more than 99% of those who pass the Element 3 examination also pass the Elements 1 and 2 examinations, the practical effect of deleting the Elements 1 and 2 requirement (as to who will qualify) is negligible. However, the Commission will avoid having to administer over 100,000 20-question Element 1 and 2 examinations per year, resulting in some savings of Commission resources. Applicants for the General Radiotelephone Operator License will be spared the extra burden of taking the Elements 1 and 2 examinations after passing the rigorous Element 3 examination.

12. Since passing Element 3 will normally result in the issuance of a General Radiotelephone Operator License, Element 3 credit certificates will no longer be needed and can be abolished. Any person now holding a valid Element 3 credit certificate may mail it to the field office which issued it and receive a General Radiotelephone Operator License without further examination.

13. Because only the maritime-related licenses will require Elements 1 and 2, we are retaining only the "M" version of that examination. We are re-describing Elements 1 and 2 in the rules to show the emphasis on maritime matters. Also we are replacing the outdated 20-question per element "M" series examinations currently used with new 24-question combined element examinations. Element 1 and Element 2 will no longer be graded separately. An updated study guide for the new examinations will also be available.

14. Although we are deleting the Element 1 and 2 requirement for the General Radiotelephone Operator License, we believe that some of the basic topics contained in those elements are still appropriate for these licensees. Therefore, we are expanding the description of Element 3 to allow these basic topics to be included in future Element 3 examinations. It will not be necessary to increase the length of the Element 3 examination to include these additional topics. This exam will remain 100 questions long.

15. By allowing the Marine Radio Operator Permit, as well as all other commercial radiotelephone operator licenses except for the Restricted Radiotelephone Operator Permit, to be used for examination credit, we are making it unnecessary for a radiotelegraph applicant who passes the Element 1 and 2 examinations to retake them if he or she fails Element 5. Because there are only a few hundred applicants for new radiotelegraph licenses per year, the number of Marine Radio Operator Permits issued will not increase significantly.

16. As the rule changes described herein involve only internal Commission procedures, we find the prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable.

17. Accordingly, it is ordered that Part 13 of the Commission's rules is amended as set forth in the attached Appendix below. It is further ordered that, pursuant to § 1.427(b) of the Commission's rules, 47 CFR 1.427(b), these rules shall become effective April 26, 1982. Authority for these amendments is contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended.

18. For information concerning this matter, contact B. C. "Jay" Jackson, Jr., Radio Operator and Public Service Branch (202) 632-7240.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 13—COMMERCIAL RADIO OPERATORS

Part 13 of the Rules and Regulations of the Federal Communications Commission is amended as follows:

1. In § 13.21, paragraph (a), subparagraphs (1), (2), and (3) are revised to read as follows:

§ 13.21 Examination Elements.

(a) * * *

(1) *Basic marine radio law.* Provisions of laws, treaties, and regulations, with which every radio operator in the Maritime radio services should be familiar.

(2) *Basic marine radio operating practice.* Radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations in the Maritime radio services.

(3) *General Radiotelephone.* Technical, legal, and other matters, including basic operating practices and provisions of laws, treaties, and regulations, applicable to the operation of radiotelephone stations other than broadcast.

* * * * *

2. In § 13.22, paragraphs (b)(2), (c)(2), (d)(3), (e)(3), and (f)(3) are revised as follows:

§ 13.22 Examination requirements.

* * * * *

(b) * * *

(2) Written examination covering element 3.

(c) * * *

(2) Written examination covering elements 1 and 2.

(d) * * *

(3) Written examinations covering elements 1 and 2, 5, and 6.

(e) * * *

(3) Written examinations covering elements 1 and 2, 5, and 6.

(f) * * *

(3) Written examinations covering elements 1 and 2, and 5.

3. The existing text of § 13.25 is designated paragraph (a), and a new paragraph (b) is added:

§ 13.25 New class, additional requirements.

(a) The holder of a commercial radio operator license who applies for another class of license will be required to pass only any additional examination requirements for the new license, provided, however, that the holder of a Radiotelegraph Third Class Operator Permit who takes an examination for a Radiotelegraph Second Class Operator License more than one year after the issuance date of the third class permit will also be required to pass the code test prescribed therefor.

(b) The holder of a valid General Radiotelephone Operator License, Radiotelephone First Class Operator License, Radiotelephone Second Class Operator License, or Radiotelephone Third Class Operator Permit will not be required to take the written examination covering examination elements 1 and 2 when applying for a radiotelegraph operator license or permit.

[FR Doc. 82-11054 Filed 4-23-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

[BMCS Docket No. MC-95; Amdt. No. 81-3]

First Aid Kits on Buses

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is rescinding the requirement for first aid kits on buses

operated in interstate or foreign commerce. This action is in keeping with the FHWA's goal of reducing and simplifying regulations which may be unnecessarily costly or burdensome.

EFFECTIVE DATE: May 26, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Chief, Development Branch, Regulations Division, Bureau of Motor Carrier Safety, (202) 426–9767; or Mrs. Kathleen S. Markman, Motor Carrier and Highway Safety Law Division, (202) 426–0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking (ANPRM) was published in the **Federal Register** (45 FR 63535) on September 25, 1980, soliciting comments on the possibility of eliminating first aid kits on buses operating in interstate or foreign commerce. This requirement is found in the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 393.96(c)) and has been in effect for the past 40 years. Information was sought on the following five points relating the utility of the first aid kit requirement:

1. To what extent are the first aid kits, currently required on buses, used by the drivers or passengers?
2. In what situations (emergency and nonemergency) are the first aid kits used?
3. To what extent are the drivers trained in emergency medical procedures and in the use of the first aid kit?
4. Should the current requirement for the first aid kits be eliminated?
5. First aid kits are continually being updated and changed. What modification(s) should be made to the first aid kit if its continued use is necessary?

Commenters Opposed To Rescinding the First Aid Kit Requirement

Eleven commenters filed in opposition to the elimination of the requirement. Eight responses came from the Industrial Safety Equipment Association, the American Medical Association, and organizations involved in emergency medical services (EMS). In the opinion of the commenters, the programs developed under Highway Safety Program Standard No. 11, Emergency Medical Services (23 CFR 1204.4), do not supplant the need for the first aid kit. The commenters felt the EMS response time to a medical emergency can lengthen depending on where the emergency occurs, and the victim will continue to need immediate first aid care. The commenters indicated that in the event a medical emergency occurs, a properly trained bystander may be present and will need all available equipment in order to render first aid.

In addition, commenters wrote that the first aid kit remains useful in situations where a small bandage is required, and will be of limited use in life-threatening emergencies. The commenters indicated that the kit is still helpful to the responder in a medical emergency and the public has an expectation that the first aid kit will be present on interstate buses.

These commenters recommended keeping the present first aid kit requirement, upgrading the kit contents, and adding a booklet giving more detailed first aid information. However, the commenters did not submit substantive information relative to three of the five questions in the ANPRM that asked to what extent first aid kits are used on buses, in what situations are the kits used, and to what extent are drivers trained in the use of the kit.

The American Medical Association's Handbook of First Aid and Emergency Care [1]

The American Medical Association (AMA) has developed the *Handbook of First Aid and Emergency Care* which focuses on the most common medical emergencies. According to the AMA, the majority of injuries do not pose an immediate threat to the victim's life. In the handbook, however, the AMA outlines ten medical emergencies in which first aid must be rendered before the EMS personnel arrive. They are as follows:

1. Choking
2. Diabetic Coma
3. Drowning
4. Electric Shock
5. Gas Leak and Other Poisonous Fumes
6. Heart Attack
7. Major Injuries to Head and Neck
8. Severe Bleeding
9. Severe Overexposure to Heat and Cold
10. Third Degree Burns

These emergencies require first aid care before EMS personnel arrive because there is an immediate danger to the victim's life. From the handbook it can be seen that it is the action performed, and the skill used by the responder which determines the outcome for the victim. In addition, it can be seen that the importance of the equipment used in secondary because the responder is provided with a wide range of materials (such as clothing, magazines, strips of fabric) from which to choose in aiding a victim. An example of this is found in the medical emergency of severe bleeding. The AMA recommends applying pressure directly over the wound to stop the bleeding. A sterile compress is recommended, but a clean cloth may be used as a substitute. It is the responder's skill in determining the severity of the bleeding and what method to use that is of vital importance to the victim of a life-threatening situation.

The first aid kit required by the FMCSR, in general, contains only bandages, an antiseptic and applicator, burn ointment, splint, tourniquet, and adhesive compresses. Consequently, it often does not contain the items necessary to sustain the life-support system of a victim of a medical emergency as defined above.

Commenters in Favor of Rescinding the First Aid Kit Requirement

Three commenters filed in support of the elimination of the kit requirement. One of the commenters is the American Bus Association (ABA) which represents 550 members of the intercity bus industry. The Association indicated that the first aid kits are currently used on an occasional basis. The items used most frequently are band aids and swabs. Two members of the ABA indicated that their annual costs to maintain first aid kits are $17,500 and $22,500 respectively. The FHWA estimates that the cost of a single first aid kit as required by the FMCSR is $59 and the annual maintenance cost is $10. Further, the 1982 fleet size operating in interstate or foreign commerce is calculated to be approximately 21,400 buses, including 2,000 new buses expected to enter the fleet this year. From this, the FHWA estimates that the cost of equipping new buses ($118,000) added to the cost of maintaining the kit in the current fleet ($214,000) is $332,000.

The ABA contends that the kits are used in minor, nonemergency situations involving cuts, scrapes, and falls. The kit's contents are used most often on passengers who have attempted to handle their own luggage. Some motor carriers, according to the ABA, include basic first aid training as part of the driver's overall training program. In other instances drivers may have received outside training in first aid. However, the bus operators indicated that the drivers' knowledge and use of first aid procedures, generally speaking, is limited.

Carrier respondents stated their belief that the drivers' first aid training may be forgotten through the passage of time and lack of use. One motor carrier indicated that they have drivers with 20 years experience who have never used

[1] Franks, Martha Ross. The American Medical Association's Handbook of First Aid and Emergency Care. New York: Random House, Inc., 1980.

the first aid kit. Because of this, carriers believe that drivers may not be adequately prepared in the event of an emergency and motor carriers are concerned about possible liability resulting from drivers administering first aid.

Conclusion

Available evidence indicates that the first aid kit required by § 393.96 of the FMCSR has limited value in aiding the victims of a lift-threatening emergency. The procedures to be employed in these emergencies are technical in nature and rest upon the skill of a responder who is knowledgeable in administering emergency medical service. Therefore, the requirement for equipping buses operating in interstate or foreign commerce with first aid kits is being eliminated. Such action is consistent with the FHWA's policy of eliminating unnecessary or burdensome regulations.

Section 393.2 of the FMCSR allows the use of additional equipment and accessories, not inconsistent with or prohibited by Parts 390–397 of Subchapter B, provided such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used. It remains permissible for motor carriers of passengers to continue to equip their buses with first aid kits.

The ANPRM clearly stated that the FHWA, "is considering the elimination of the first aid kit in buses operating in interstate or foreign commerce," (45 FR 63535). Question 4 of that ANPRM asked, "Should the current requirement for first aid kits be eliminated?" (45 FR 63535). The comments received in response to this ANPRM fully discussed this issue. Based on the notice provided and a review of the comments received in response to it, it has been determined that further public procedure is not required by either the Administrative Procedure Act (5 U.S.C. 553(b)(B)) or the Department of Transportation's regulatory policies and procedures because it is not anticipated that new or useful information would be received. Consequently, the FHWA has determined that good cause exists to waive the publication of a notice of proposed rulemaking in this instance.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. It is anticipated that the economic impact of this rulemaking action will be a relatively minimal cost savings to the bus industry. Accordingly, a full regulatory evaluation is not required.

For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

For the reasons set out in the preamble, the Federal Highway Administration is removing the first aid kit requirement. Part 393 of Chapter III of Title 49, Code of Federal Regulations, is amended by removing § 393.96, effective May 26, 1982.

§ 393.96 [Removed and reserved]

Remove and reserve "§ 393.96 Buses, additional emergency equipment." from the table of sections and from the corresponding text of Part 393 of 49 CFR.

(49 U.S.C. 304, 1655; 49 CFR 1.48(b) and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

List of Subjects in 49 CFR Part 393

Motor carriers, Motor vehicle equipment, Motor vehicle safety.

Issued on April 19, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 82-11119 Filed 4-23-82; 8:45 am]

BILLING CODE 4910-22-M

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

49 CFR Ch. VII

Freedom of Information Act Regulations

AGENCY: National Railroad Passenger Corporation (Amtrak, or the Corporation).

ACTION: Interim Regulations; with request for comments.

SUMMARY: The National Railroad Passenger Corporation is subject to the Freedom of Information Act (FOIA). The FOIA requires that implementing regulations be promulgated pursuant to notice and receipt of public comment. FOIA requests are currently handled by the Corporation on the basis of abbreviated procedures stated in an unpublished memorandum made available to each requester. It is clearly preferable that such requests be handled in accordance with published regulations to which the public has ready access. Accordingly the regulations set forth in this document, which provide clear and specific procedures to cover FOIA requests, will be effective on publication. The public is asked to comment fully on these regulations, which will be promptly amended to reflect any meritorious suggestions for changes received through public comment.

DATES: These procedures are effective April 26, 1982. Written comments or objections must be submitted on or before June 25, 1982. No hearings will be held.

ADDRESSES: Comments may be mailed or delivered to the National Railroad Passenger Corporation, Law Department, 400 North Capitol Street, NW. Washington, D.C. 20001. Comments received by the Corporation will be available to the public.

FOR FURTHER INFORMATION CONTACT: H. A. Dickie (Legal Assistant), (202) 383–2812.

List of Subjects in 49 CFR Part 700

Freedom of information.

Under the authority of 45 U.S.C. 546(g), Title 49 of the Code of Federal Regulations is amended by the establishment of a new Chapter VII consisting of Part 700. The chapter heading and part read as set forth below:

CHAPTER VII—NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

PART 700—FREEDOM OF INFORMATION ACT REGULATIONS

Sec.

700.1 Purpose.
700.2 Definitions.
700.3 Policy.
700.4 Availability of records on request.
700.5 Time limits.
700.6 Appeals from denials of records or setting of fees.
700.7 Fees.

Authority: Sec. 306(g), Rail Passenger Service Act, 45 U.S.C. 546(g).

§ 700.1 Purpose.

This part prescribed the procedures by which records of the National Railroad Passenger Corporation may be made available to the public pursuant to section 306(g) of the Rail Passenger Service Act, 45 U.S.C. 546(g), and the Freedom of Information Act, 5 U.S.C. 552.

§ 700.2 Definitions.

Unless the context requires otherwise, the following apply in this part:

(a) Masculine pronouns include the feminine gender.

(b) Definitions:

Corporation or *Amtrak* means the National Railroad Passenger Corporation.

Includes means "includes but is not limited to".

President means the President of the Corporation.

Record means any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved, but does not include library materials compiled for reference purposes or objects of substantial intrinsic value.

§ 700.3 Policy.

(a) The National Railroad Passenger Corporation will make records within the Corporation available to the public to the greatest practicable extent in keeping with the spirit of the FOIA. Therefore, all records of the Corporation—except those that the Corporation specifically determines should not be disclosed either in the public interest, for the protection of private rights, or for the efficient conduct of public or corporate business, but only to the extent withholding is permitted by the Freedom of Information Act—are declared to be available for public inspection and copying as provided in these procedures. A record will not be withheld from the public solely because its release might suggest administrative error or embarrass an officer or employee of the Corporation. Each officer and employee of the Corporation dealing with record requests is directed to cooperate to the end of making records available to the public promptly, consistent with this policy.

(b) A requested record of the Corporation may be withheld from disclosure only if it comes within one or more of the exemptions in 5 U.S.C. 552(b).

(c) In the event one or more of the exemptions applies to a record, any reasonably segregable portion of the record will be made available to the requesting person after deletion of the exempt portions.

(d) These procedures apply only to records in existence at the time of a request. The Corporation has no obligation to create a record solely for the purpose of making it available under the FOIA.

§ 700.4 Availability of Records on Request.

(a) Each person desiring access to a record or to have a copy of a record pursuant to the Freedom of Information Act shall comply with the following provisions:

(1) The request for the record shall be in writing.

(2) The request shall indicate that it is being made under the Freedom of Information Act.

(3) The envelope in which the request is sent shall be prominently marked with the symbol "FOIA".

(4) The request shall be addressed to the Vice-President, Corporate Communications, AMTRAK, 400 North Capitol Street, NW., Washington, D.C. 20001.

(b) If the requirements of paragraph (a) of this section are not met, the ten (10) day time limit described in § 700.5 will not begin to run until the request has been identified by an employee of the Corporation as a request under the Freedom of Information Act and has been received by the Corporate Communications Department.

(c) Each request should describe the particular record or records desired. To the extent practicable, the request should specify such features as the subject matter of the record, the date when it was made, the place where it was made and the person or office that made it. Generally, a request will be acceptable if it identifies a record with sufficient particularity to enable an employee of the Corporation to locate the record with a reasonable amount of effort. If the description is insufficient to permit location of a record, the employee handling the request will notify the requester and indicate the additional kinds of data which will facilitate the search.

(d) The submission of a FOIA request constitutes an agreement by the requester to pay the fees specified in § 700.7, unless the requester is entitled to a fee waiver or specifies in his request a different amount to which the Corporation agrees.

§ 700.5 Time Limits.

(a) An initial determination whether to release records requested under this part shall be made within ten (10) days (excepting Saturdays, Sundays, and legal public holidays) after the request is received, except that this time limit may be extended by up to ten (10) working days in accordance with paragraph (c) of this section. The person making the request will be given prompt notice of any extension of time. If a determination is made to release a requested record, the record shall be made promptly available. If the determination is to decline to disclose the record, the person making the request shall, at the same time he is notified of such determination, be notified of:

(1) The reason for the determination; including citation of the relevant exemption relied on for denial;

(2) The right of the requester to appeal the determination; and

(3) The name and title or position of each person responsible for denial of the request.

(b) A determination with respect to an appeal made pursuant to § 700.6 shall be made within twenty (20) days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such appeal, except that this time limit may be extended by up to ten (10) working days in accordance with paragraph (c) of this section. The person making the request will be notified promptly if the time is extended.

(c) In unusual circumstances the time limits prescribed in this section may be extended by written notice to the person making a request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. Such notice shall not specify a date that would result in a cumulative extension of more than ten (10) working days. As used in this subsection, "unusual circumstances" means, but only to the extent reasonably necessary for the proper processing of the particular request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another entity having a substantial interest in the determination of the request or among two or more components of an entity having substantial subject matter interest therein.

§ 700.6 Appeals from denials of records or setting of fees.

Each denial decision will set forth the reasons therefor and state the appeal from that decision that is available to the requester. A decision denying access to a document or setting fees may be appealed to the President of the Corporation by filing with his office a written notice of appeal, within thirty (30) days after the date of the denial, specifying the relevant facts and the basis for appeal. If the President denies the appeal, the denial shall set forth the reasons therefor and notify the requester

of the provision for judicial review contained in 5 U.S.C. 552(a)(4)(B).

§ 700.7 Fees.

(a) The National Railroad Passenger Corporation shall charge a fee of $10.00 per hour (per person) when a search for records is conducted by a clerical employee and $15.00 per hour (per person) when the search is conducted by a professional employee. There will be a charge of 15¢ per page to photocopy records. The fee for copies of material requiring other methods of reproduction is the direct cost of reproduction and handling. No fee will be levied for searches less than 30 minutes, reproduction of less than 20 pages, or where the combined cost of search and duplication is less than $20.00.

(b) Documents will be furnished without charge or at a reduced charge if the Vice-President, Corporate Communications, determines that a waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Examples of requests that may fall within this paragraph are requests from: (1) Groups engaged in a nonprofit activity designed for public safety, health or welfare; (2) schools; and (3) students engaged in study of the field of transportation.

(c) Except for services performed without charge or at a reduced charge, each request for a search of records or for a copy of a record should be accompanied by the fee calculated as prescribed in paragraph (a) of this section. When the fee is not readily ascertainable without examination of the records, the office or employee receiving the request will furnish an estimate of the fee to the person making the request, or the fee may be collected after the records are made available. The Corporation may require advance payment of fees if a requester has failed to honor a previous commitment to pay fees that were owed the Corporation, or if the Corporation reasonably determines that the requester is likely to be unwilling or unable to pay the probable fees. No search fee shall be charged if records are not located, or are located but not made available to the requester. However, with respect to a request not entitled to a fee waiver, the Corporation may assess search fees if the requester insists on further search after being informed by the Corporation, based on a reasonable preliminary search, that the search is unlikely to be productive.

Sandra Spence,

Corporate Secretary, National Railroad Passenger Corporation.

[FR Doc. 82-11391 Filed 4-23-82; 8:45 am]

BILLING CODE 000-00-M

Proposed Rules

Federal Register
Vol. 47, No. 80
Monday, April 26, 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

Agricultural Marketing Service

Commodity Credit Corporation

7 CFR Parts 29 and 1464

Tobacco Inspection and Loan Programs

AGENCY: Agricultural Marketing Service and Commodity Credit Corporation, USDA.

ACTION: Advance notice of proposed rulemaking and request for public comment.

SUMMARY: The Department is requesting comments and proposals for amending 7 CFR Parts 29 and 1464 regarding alternative packaging methods in which burley tobacco would be eligible for inspection and loan. Also, for burley and flue-cured tobacco, comments are requested on alternatives for identifying and preventing nested tobacco offered by producers for sale at auction. Nested is a term used to describe tobacco offered for inspection which has been loaded, packed or arranged to conceal foreign material or tobacco of inferior grade, quality or condition. Burley and flue-cured tobacco are produced in most states of the Southeastern United States.

DATE: Comments: All persons who desire to submit written data, views, or arguments for consideration in connection with this advance notice of proposed rulemaking should file the same not later than May 24, 1982.

ADDRESS: Submit comments to J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Bunn (202) 447–7235.

SUPPLEMENTARY INFORMATION: The authority for promulgating regulations is contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.*) and the Agricultural Act of 1949 as amended (63 Stat. 1054; 7 U.S.C. 1421 *et seq.*).

Current regulations provide, in part, the following:

Burley Inspection

§ 29.3039 Nested

Any tobacco which has been loaded, packed or arranged to conceal foreign matter or tobacco of inferior grade.

(a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged;

(b) Any lot of tobacco which contains foreign matter in the inner portions of the hands or bales, or which contains foreign matter in the heads under the tie leaves of hands;

(c) Any lot of tobacco in which the leaves on the outside of the hands or bales are placed or arranged to conceal inferior quality leaves on the inside of the hands or bales, or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves of hands or in the interior of bales; and

(d) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower layer or layers of hands or in the lower bales is distinctly inferior in grade, quality or condition from the tobacco in the top or upper leaves of hands or in the top of upper bales.

§ 29.3040 No Grade

A designation applied to a lot of tobacco which is classified as nested, offtype, rework, semicured, tobacco damaged 20 percent or more, abnormally dirty tobacco, tobacco containing foreign matter and tobacco having an odor foreign to the type.

§ 29.3050 Rework

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (b) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That beginning with the 1981–82 marketing season burley tobacco which is offered for sale in bales shall not be considered to require rework if the tobacco in said bale is approximately 1×2×3 feet. *Provided further*, That: (1) The operator of any warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (2) the producer, by offering untied, baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

Burley Loan

§ 1464.2 Availability of Price Support

(b) * * *

(5) Beginning with the 1981 crop, eligible producers may obtain price support on untied burley tobacco packed in bales subject to the following conditions:

(i) The quality and condition of the tobacco contained in each bale delivered for price support as a single lot will be representative of the quality and condition of the tobacco contained in all other such bales of the same lot.

(ii) The tobacco in each bale will be stalk-cured.

(iii) The bales will not contain foreign matter or conceal inferior tobacco.

(iv) Specification of bales:

(A) Bales must be approximately 1x2x3 feet in size.

(B) The leaves in bales must be untied and oriented.

(C) Each bale in the lot shall be properly identified by a uniform identification tag 1⅝ inches wide by 3¼ inches long attached with a wire tag to the end of the bale showing at least the following information: (1) Warehouse registration number, (2) basket ticket number, and (3) number of bales in the lot.

§ 1464.7 Eligible Producers

* * * * *

(d) The producer has complied with any certification the producer may have executed with respect to any untied burley tobacco packed in bales which is delivered for price support.

Flue-Cured Inspection

§ 29.1035 Nested

Any lot of tobacco which has been loaded, packed, or arranged, to conceal tobacco of inferior grade, quality, or condition. Nested includes: Any lot of tobacco which contains injured or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged.

§ 29.1036 No-Grade

A designation applied to a lot of tobacco which is nested, offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type.

Discussion

Prior to the 1978–79 marketing season, burley tobacco was eligible for official grading and loan only when marketed

on baskets and tied in hands. As early as 1974, various segments of the burley tobacco industry expressed a desire to market their tobacco in an untied fashion, which through history and custom has been marketed tied in hands. In an effort to cooperate with and meet the needs of the burley industry, the Department has cooperated in experimental sales of untied burley tobacco since 1974. These experiments were conducted by the University of Kentucky and involved a "bale" packaging concept for the most part, but which was modified in 1976–77 to include both bales and sheets. In these experiments, the Department's tobacco graders applied unofficial grades. Unofficial grading involves a termination by a grader as to the official grade a particular lot of tobacco would warrant if the lot had been properly prepared for market and displayed as part of a regularly scheduled auction. Beginning with the 1978–79 season, official grading was performed.

Following each of the 1978–79, 1979–80, and 1980–81 seasons, the Department collected pertinent project data on relevant aspects of the experiment. Much data was supplied by the Universities of Kentucky and Tennessee. At the request of the Agricultural Marketing Service, studies were made and reports were compiled by the Economics and Statistics Service which analyzed, interpreted, and summarized all available data on the experiment.

The reports were reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and Conservation Service, and Economics and Statistics Service. The experiment, conducted for the preceding three seasons, has gained increased interest and participation each succeeding season and has caused no apparent disruption to the marketing system.

Based on the Department's evaluation of these experiments, regulations were amended in 1981 to apply Official Standard Grades and make eligible for loan, unlimited quantities of burley tobacco when it is tied in hands or untied in bales.

The untied, baled burley tobacco packaging concept has proved to be a progressive step in reducing labor costs to the growers. While much of the tobacco in the burley industry is receptive to the untied, baled burley packaging concept, the Department has received numerous requests for the inclusion of loose leaf burley on burlap sheets, placing lots of baled burley directly on warehouse floors with nothing under them, banded bales in a lot on cardboard on the warehouse floors and the use of a hogshead head as a pallet, under each lot of bales, as alternative marketing packages.

Even though official grading was not provided for packaging methods other than hand-tied and untied loose leaf in approximately 70-pound bales on baskets or pallets, other types of packaging appeared on the auction market during the 1981–82 season. Federal graders applied "No-G," a nograde designation to these lots.

In an effort to improve the current burley marketing program and in the interests of promoting and maintaining orderly marketing conditions in the industry, the Department hereby solicits the industry's views on alternative packaging. Interested parties are invited to participate in the making of the proposed rule by submitting recommendations for any reasonable alternative packaging method for sale of burley tobacco at auction.

The second objective of this advanced notice of proposed rulemaking concerns the problem of "nesting." Reports indicate that there has been a measurable increase in "nesting" in recent years for all kinds of tobacco. For example, the volume of nesting tobacco for flue-cured tobacco developed into a serious problem during the 1981 marketing season. Although the volume of loans receipts declined by about 4 percent, the volume of nested lots discovered at Flue-Cured Tobacco Cooperative Stabilization Corporation processing plants tripled. A total of 668 growers were notified of this nested tobacco as opposed to 212 the previous year. Additionally, a substantial amount of nested tobacco was discovered on the warehouse floor by graders, buyers, and pullers. Also, burley tobacco buying company representatives have expressed deep concern about an increase in the instances of "nesting" in burley tobacco.

The practice of "nesting" is costly as well as deterimental to the intregrity of the U.S. tobacco program. Several segments of the industry have requested the Department to address this problem and find ways to discourage "nesting."

Comments are specifically requested on the following areas of interest:

A. *Burley Packaging Methods.*

1. *Alternative Packaging Methods.*

(a) Describe in detail the packaging method you prefer and state your reasons.

(b) Provide approximate additional costs to producers for converting present equipment to conform to a new packaging concept.

(c) Provide an estimate of savings in labor if hand-tying or baling is no longer deemed to be cost-effective.

(d) Provide information on product accessiblity for inspection and grading and quality impairment.

(e) Provide information on how the recommended packaging will affect the potential problem of "nesting".

2. *Equipment for Packaging.*

(a) Provide details as to availability of materials for altering present equipment.

(b) Provide positive or negative effects of converting present equipment or of obtaining new equipment to conform to different packaging methods.

(c) If "sheeting" is your preference, provide details as to the responsible parties for providing and maintaining the burlap or other type sheeting.

(d) Provide dimensions and availability of supply for the type packaging you recommend.

3. *Alternative Packaging Methods.*

(a) Would it be feasible to conduct an experiment for one or two years and evaluate the success of acceptable packaging?

(b) What type (or types) of packaging provides the most economic benefits to the broadest spectrum of the burley tobacco industry?

4. *Problem of Nesting Tobacco.*

(a) What is the most effective method for informing all segments of the tobacco industry of their responsibilities for dealing with the nesting problem?

(b) What is a practical and cost-effective method of detecting nested tobacco before the tobacco gets into the channels of trade?

(c) What measures are needed to effectively discourage the practice of nesting tobacco?

All written submissions made pursuant to this notice will be made available for public inspection in Room 502 Annex Building, Washington, D.C., 20250, during regular business hours.

If it is determined to be in the public interest to proceed further after consideration of the available data and comments received in response to this notice, a notice of proposed rulemaking will be issued in sufficient time for producers to make plans for the 1982–83 tobacco marketing season.

List of Subjects

7 CFR Part 29. Administrative practice and procedure, Tobacco.

7 CFR Part 1446. Loans programs—Agriculture, Price support program, Tobacco, Warehouse.

Dated: April 19, 1982.

Seeley G. Lodwick,

Under Secretary, International Affairs and Commodity Programs.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82-11210 Filed 4-23-82; 8:45 am]

BILLING CODE 3410-02-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1205

Petition To Extend Effective Date of Power Lawn Mower Standard; Public Hearing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of hearing.

SUMMARY: The Commission has received a petition to extend the effective date of its safety standard for power lawn movers. In order to obtain the views of all interested parties, the Commission has scheduled a public hearing on the petition.

DATES: The hearing will be held at 10:00 a.m. on May 3, 1982. Any one wishing to present oral comment must notify Sheldon Butts at the address or telephone number listed below no later than April 29, 1982.

ADDRESS: The hearing will be held in the third floor conference room at 1111 18th Street NW., Washington, D.C.

FOR ADDITIONAL INFORMATION CONTACT: Sheldon Butts, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6800.

SUPPLEMENTARY INFORMATION: In February 1979, the Commission issued a safety standard for power lawn mowers. In December 1980, the original effective date for the performance requirements in that standard was extended from December 31, 1981 until June 30, 1982.

The Commission has recently received a petition seeking a one-year extension of the June 30, 1982 effective date (CP 82-2). The petitioner is The Toro Company, a manufacturer of power lawn mowers, but the Commission has also received correspondence from manufacturers that oppose any extension.

Before deciding the petition, the Commission wants to obtain data, views, arguments, and opinions from all interested parties. An opportunity for the presentation of oral comments to the Commission has therefore been scheduled. It will be at 10:00 am on May 3, 1982 in the third floor conference room at 1111 18th Street NW., Washington, D.C.

The format for the presentations will be a legislative-type hearing. In particular, there will be no opportunity for commenters to cross-examine the Commission staff on the other commenters. The Commissioners will question the commenters following each of their presentations. The only acceptable comments will be those that relate directly to the effective date issue.

Anyone who wants to present oral comments must notify Sheldon Butts in the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 (telephone (301) 492-6800) no later than April 29, 1982. Depending on the number of commenters, the Commission may limit the amount of time provided to each one. In addition, the Commission reserves the right to limit comments that are unnecessarily duplicative of other comments. The purpose of the meeting is to assure that the Commission is made aware of all the differing views and information that concern the petition.

Dated: April 21, 1982.

Sadye E. Dunn,

Secretary.

[FR Doc. 82-11311 Filed 4-23-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Public Comment and Opportunity for Public Hearing on Modified Portions of the Virginia Permanent Regulatory Program

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

ACTION: Proposed rule: notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted by Virginia to satisfy two of the conditions imposed by the Secretary of the Interior on the approval of the Virginia Permanent Regulatory Program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Virginia program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on May 26, 1982, to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for May 12, 1982, at 10:00 a.m. at the address listed under **"ADDRESSES."**

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address and phone number listed below by May 5, 1982. If no person has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, State Office Director, Virginia State Office, Office of Surface Mining Reclamation and Enforcement, Route 3, Box 183-C-1, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

The public hearing will be held at Clinch Valley College, Administration Building, Lecture Room A-100.A, Wise, Virginia 24273.

Copies of the Virginia program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

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

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 620 Powell Avenue, Big Stone Gap, Virginia 24219

FOR FURTHER INFORMATION CONTACT: Ralph Cox, State Office Director, Virginia State Office, Office of Surface Mining, Route 3, Box 183-C-1, Big Stone

Gap, Virginia 24219, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977–70000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of nineteen minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981, **Federal Register** (46 FR 61088–61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981, **Federal Register** (46 FR 61088–61115).

Two of the minor conditions of an approval imposed by the Secretary were as follows:

Condition "k" requires Virginia to submit a revised policy clearly granting field inspectors the authority to issue immediate cessation orders for imminent danger or harm if they are unable to contact the supervisor or enforcement manager.

Condition "r" requires Virginia to submit a copy of revised policy statement or otherwise amend its program to make its coal haul roads policy consistent with the Federal requirements. This policy must be accompanied by a legal opinion which states that it is enforceable under existing State law and regulations. The coal haul roads policy specified by the Secretary consisted of four criteria:

1. The road has been duly established as a public road according to the laws of the jurisdiction in which it is located.
2. There is substantial (more than incidental) public use of the road.
3. The road is actually maintained with public funds in a manner similar to other public roads in the vicinity.
4. The County within which the road is located has construction standards at least as stringent as the applicable minimum standards as stated in the VDMLR Reclamation Manual, Coal Surface Mining Regulation for Haulageways, Section 7.

The foregoing criteria will apply in repermitting of operations previously permitted under the interim program regardless of whether or not a particular road was previously permitted.

In accepting the Secretary's conditional approval, Virginia agreed to submit provisions to satisfy conditions "k" and "r" by February 15, 1982. Pursuant to a request submitted by Virginia on January 28, 1982 (Administrative Record No. VA 376), the Secretary modified the deadline until April 1, 1982, for Virginia to meet condition "r" (47 FR 8008–8009).

Virginia submitted to OSM on January 28, 1982, a revised policy statement to satisfy condition "k" (See Administrative Record VA 376). The revised policy statement grants authority to the field inspector to issue cessation orders for imminent danger if he/she is unable to consult with the supervisor, enforcement manager or assistant enforcement manager by radio or telephone.

Thus, the Secretary requests comments on the adequacy of the revised policy statement to satisfy condition "k".

On March 31, 1982, Virginia submitted a letter describing the action which has been taken and will be taken by the Commonwealth to resolve condition "r" (Administrative Record No. VA 383). First, Virginia stated that the Virginia General Assembly has enacted H.B. 975, a copy of which is in the Administrative Record (No. VA 381). Upon signature by the Governor, it will become effective July 1, 1982. In essence, it would repeal section 33.1–246.1 of the Virginia *Code* allowing deeding of haul roads to counties once the Secretary has approved the Commonwealth's regulations to establish performance standards for haul roads.

Second, Virginia pointed to draft regulations for haul road performance standards which Virginia proposes to adopt as State regulations as soon as legally possible. Once these regulations are adopted and approved by the Secretary, the repeal of section 33.1–246.1 will be an accomplished fact. Virginia stated at that time it will review the status of all haul roads previously deeded to counties. Further, it stated that any such roads remaining in active use which are not at that time meeting the criteria set forth by the Secretary in condition "r" as modified below will not be considered exempt and will be required to be permitted and to meet the regulatory performance standards. Furthermore, Virginia said that in order to retain their exempt status, these county haul roads must now be required by the counties to meet performance standards equivalent to those contained in the regulations above, rather than the construction standards set forth in the Secretary's condition "r". Roads not qualifying for such exemption will obviously be counted in calculating the area of the mining operation as previously outlined.

Finally, Virginia stated that the Virginia General Assembly has enacted H.B. 123, a copy of which is in the Administrative Record (No. VA 381). Upon signature by the Governor it will become effective July 1, 1982. This bill will restore reclamation requirements for operations of two acres or less.

Based on all of the foregoing, Virginia stated that it has satisfied the requirements of condition "r" and attached a letter from the Virginia Attorney General's Office which stated that Virginia has the legal authority to proceed as indicated.

While the two pieces of enacted legislation and the draft Virginia regulations for haul roads performance standards are closely interwoven with the provisions to satisfy condition "r", the Secretary specifically requests comments on the adequacy of Virginia's present policy to include haul roads in two acre calculations within the context of condition "r".

When Virginia H.B. 975 is signed and the regulations for haul road performance standards are effective, the Secretary expects them to be submitted as program amendments and will follow the procedures of 30 CFR 732.17. With regard to H.B. 123, the Secretary acknowledges that this legislation restoring reclamation requirements for operations of two acres or less is not subject to his authority under SMCRA to regulate exempt operations. However, the Secretary believes that he has the authority and responsibility to determine the scope of the exemption and to require that Virginia submit legislation as a program amendment in order that he may review and decide if the legislation is consistent with his standards for determining which operations shall be exempt under Section 528 of SMCRA.

The Secretary fully expects the state to take all necessary actions to expedite submission of the above legislation and regulations.

Additional Determinations

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the

Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Regulations concerning satisfaction of conditions of approval of State regulatory programs under SMCRA have been granted a categorical exemption by the Office of Management and Budget from Sections 3, 4, 7, and 8 of Executive Order 12291. Therefore, this rule is exempt from the Determination of Effects requirements of the Executive Order.

List of Subjects In 30 CFR Part 946

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

Dated: April 21, 1982.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-11370 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 948

Public Disclosure of Comments Received From Federal Agencies on the West Virginia Proposed Program Amendment

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

ACTION: Disclosure of comments on the West Virginia proposed program amendment from federal agencies.

SUMMARY: Before the Director, OSM, may approve State regulatory program amendments submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Director has solicited comments from these agencies, and is today announcing their public disclosure.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158

West Virginia Department of Natural Resources, 1800 Washington Street, East, Room 630, Charleston, West Virginia 25305, Telephone: (304) 348-9160

Office of Surface Mining Reclamation and Enforcement, U.S. Department of Interior, Room 5315, 1100 L Street, NW, Washington, D.C. 20240, Telephone: (202) 343-7896

FOR FURTHER INFORMATION CONTACT: David H. Halsey, Director, West Virginia State Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION: The Director, OSM, is evaluating the proposed coal refuse regulatory amendments submitted by West Virginia for his review on October 29, 1981 (See the December 21, 1981 **Federal Register** (46 FR 61897). In accordance with section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i), this amendment to West Virginia's program may not be approved until the Director has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program amendment as proposed. In this regard, the following Federal agencies were invited to comment on the West Virginia program.

Department of Agriculture:
- Soil Conservation Service
- Forest Service
- Agricultural Stabilization and Conservation Service

Advisory Council on Historic Preservation

Department of Labor: Mine Safety and Health Administration

Environmental Protection Agency

Water Resources Council

Department of Energy

Department of the Interior:
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Mines
- Bureau of Reclamation
- Fish and Wildlife Service
- National Park Service
- Geological Survey

U.S. Army Corps of Engineers

Of those agencies invited to comment, OSM received comments from the following offices:

Department of the Interior:
- Fish and Wildlife Service
- Bureau of Mines
- Geological Survey

Department of Agriculture:
- Forest Service
- Soil Conservation Service

Department of Labor: Mine Safety and Health Administration

Environmental Protection Agency

These comments are available for review and copying during business hours at the locations listed above under **"ADDRESSES"**.

List of Subjects In 30 CFR Part 948

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

Dated: April 21, 1982.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 82-11369 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-05-M

National Park Service

36 CFR Part 18

Leases and Exchanges of Historic Property

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed rules which prescribe the procedures to be used in offering National Park Service historic property for lease and for requests for proposals for negotiated leases. These proposed rules will also implement the authority for exchanges of federally owned property for nonfederally owned historic property within authorized boundaries of existing units of the National Park System. The purpose of any lease or exchange under these regulations is to ensure the preservation of the historic property involved.

DATE: Comments must be received by May 26, 1982.

ADDRESS: Comments should be addressed to Chief Historical Architect, National Park Service, Washington, D.C. 20240. These proposed rules and public comments will be available for public inspection during regular business hours at Room 4141, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Charles C. Haslet, Land Resources Division, National Park Service, Washington, D.C. 20240, (202) 523-5127; Sally Blumenthal, Technical Preservation Services Division, National Park Service, Washington, D.C. 20240, (202) 272-3761.

SUPPLEMENTARY INFORMATION:

Authority

Section 207 of the National Historic Preservation Act Amendments of December 12, 1980, Pub. L. 96-515, 94 Stat. 2997, amends the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq., by adding a new section 111 which permits leases, exchanges, and management contracts to be used by Federal agencies as a means of ensuring preservation of historic property. Section 111 also permits a Federal agency to retain proceeds from leases to defray the costs of preservation of historic property.

Purpose

Section 111 grants authority to the National Park Service to lease historic property to ensure its preservation and to retain the proceeds from such leases for two years to defray costs associated with preservation of any historic property owned by the National Park Service. Section 111 also grants authority to exchange Federal property for non-Federal historic property to ensure its preservation. In implementing the leasing and exchange provisions of Section 111 with these proposed regulations, the National Park Service is seeking not only the positive qualitative effect of preservation of cultural resources but also the positive economic effect of doing so without the overriding investment of Federal funds.

The enormous growth of the National Park System in the 1970's without a concomitant increase in constant dollars for operating budgets has placed a severe strain on the ability of the National Park Service to preserve and project the natural and cultural resources entrusted to its stewardship. The abandonment and deterioration of numerous historic properties due to administrative, fiscal, and legal restraints prior to enactment of Section 111 has increased the costs of returning them to utility, has created safety hazards, and has damaged the aesthetics and public opinion of the National Park System. With a new ability to lease historic properties, such as houses, farmsteads, warehouses, former military structures, etc., the National Park Service has an alternative means of protecting and maintaining cultural resources previously unavailable to it.

Historic property offered for lease under these proposed regulations will be offered at fair market rental value. However, in determining such value the National Park Service will take into consideration special requirements in the lease such as the amortized costs of restoring the property or the value of prescribed special maintainance by the tenant. Therefore, the rents paid to the National Park Service under a lease will reflect all factors which may influence the value of the historic property, including special or unique provisions and/or limitations on the use of the property.

These proposed regulations will also implement the authority granted to the National Park Service to enter into exchanges in order to acquire non-Federal historic property to ensure its preservation. However, exchanges must also be in conformance with other applicable laws and regulations and, therefore, can only be effected within authorized boundaries of existing units of the National System in accordance with specific legal authority. In circumstances where there would be a cost to the Government in order to equalize the values of the properties exchanged, the exchange could not be undertaken without specific appropriated funds.

Compliance With Other Laws

This proposed rule contains no provisions for information collection requirements which would require compliance with 44 U.S.C. 3507.

The National Park Service has determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 (46 FR 131993, February 19, 1981). It has also been determined pursuant to the Regulatory Flexibility Act that this proposed rule does not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory analysis.

List of Subjects in 36 CFR Part 18

Historic Properties, National Parks.

For the reasons set out in the preamble, Chapter I of Title 36 of the Code of Federal Regulations is proposed to be amended as set forth below.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Part 18 is added to 36 CFR Chapter I to read as follows:

PART 18—LEASES AND EXCHANGES OF HISTORIC PROPERTY

Sec.

18.1 Authority.
18.2 Definitions.
18.3 Applicability.
18.4 Designation of property uses.
18.5 Notice/Publicity.
18.6 Determination of fair market rental value.
18.7 Advertised sealed bids.
18.8 Action at close of bidding.
18.9 Requests for proposals.
18.10 Lease terms and conditions.
18.11 Subleases and assignments.
18.12 Special requirements.
18.13 Ownership of improvements.
18.14 Exchanges for historic property.

Authority: Sec. 207, Pub. L. 96-515, 94 Stat. 2997 (16 U.S.C. 470h-3)

§ 18.1 Authority.

Section 207 of the National Historic Preservation Act Amendments of December 12, 1980, Pub. L. 96-515, 94 Stat. 2997, amends the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., by adding a new Section 111. Section 111(a) authorizes the Secretary of the Interior to lease historic property owned by the Department of the Interior or to exchange certain property owned by the Department of the Interior with certain comparable non-federally owned historic property in order to ensure the preservation of the historic property. Section 111(b) provides that proceeds from such leases of an historic property may be retained by the agency to defray the cost of administering, maintaining, repairing, or otherwise preserving the property or other properties on the National Register. The Secretary must consult with the Advisory Council on Historic Preservation before taking an action pursuant to this part.

§ 18.2 Definitions.

In addition to applicable definitions contained in 36 CFR Part 1, the following definitions shall apply to this part:

(a) "Adaptive Use" means the act or process of adapting a structure to a use other than that for which it was designed.

(b) "Authorized Officer" means an officer or employee of the National Park Service designated to conduct leases or exchanges and delegated authority to execute all necessary documents including leases and deeds.

(c) "Director" means Director of the National Park Service or his delegated representative.

(d) The term "Fair Market Rental Value" means the most probable rent that the property would command if it were exposed on the open market for a period of time sufficient to attract a tenant who rents the property with full knowledge of the alternatives available to him on the market.

(e) The term "Fair Market Value" means the amount in cash, or terms reasonably equivalent to cash, for which in all probability, the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desired but was not obligated to buy.

(f) The term "historic property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register of Historic Places.

(g) The term "lease" means a written contract by which use and possession in land and/or improvements is given to another person for a specified period of time and for rent and/or other consideration.

(h) "Leasehold interest" means a contract right in property consisting of the right to use and occupy real property by virtue of a lease agreement.

(i) The term "National Register" or "National Register of Historic Places" means the national register of districts,

sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior under authority of section 101(a)(1) of the National Historic Preservation Act of 1966, as amended (80 Stat. 915, 16 U.S.C. 470 et seq. (1979 ed)).

(j) "Preservation" means the act or process of applying measures to sustain the existing terrain and vegetative cover of a site and the existing form, integrity, and material of a structure. It includes initial stabilization work, where necessary, as well as ongoing maintenance.

(k) "Preservation Maintenance" means the act or process of applying preservation treatment to a site or structure. It includes housekeeping and routine and cyclic work scheduled to mitigate wear and deterioration without altering the appearance of the resource, repair or replacement-in-kind of broken or worn-out elements, parts, or surfaces so as to keep the existing appearance and function of the site or structure, and emergency stablization work necessary to protect damaged historic fabric from additional damage.

(l) "Reconstruction" means the act or process of accurately reporducing a site or structure, in whole, or in part, as it appeared at a particular period of time.

(m) "Restoration" means the act or process of recovering the general historic appearance of a site or the form and details of a structure, or portion thereof, by the removal of incompatible natural or human-caused accretions and the replacement of missing elements as appropriate. For structures, restoration may be for exteriors and interiors, and may be partial or complete.

§ 18.3 Applicability.

Section 111 of the Act is applicable to certain historic property under the jurisdiction of the National Park Service which the Director has determined would be adequately preserved by lease as well as to any other non-federal historic property within the authorized boundaries of a unit of the National Park System which the National Park Service may wish to acquire through an exchange of federally owned property of equal value and/or equalizing monetary consideration, in order to ensure the preservation of the historic property. No lease or exchange, shall be made under this part until a determination is made by the Director that pursuant to National Park Service Planning Procedures, such use will be consistent with the purposes for which the park is established. No lease or exchange shall be made prior to consultation with the Advisory Council on Historic Preservation. These regulations shall not apply to objects or prehistoric structures.

§ 18.4 Designation of property uses.

The Director may designate the type of uses permitted each property or may provide for any uses which are consistent with the purposes of the park area and the significance of the historic property.

(a) If the designation is limited to one use, residential for example, selection of the lessee may be based on bid price, as set forth in § 18.7.

(b) If the designation provides for consideration of a variety of uses, selection will be by proposals as set forth in § 18.9.

§ 18.5 Notice/Publicity.

(a) When the Director has determined in accordance with these regulations that an appropriate interest in National Park Service property will be offered for lease, public notice of the opportunity shall be published at least once in local or national newspapers of general circulation, appropriate trade publications, and/or distributed to interested persons. The notice shall be published not less than 60 days prior to the date of the bid opening or receipt of proposals and may be cancelled or withdrawn at any time. The notice shall contain, at a minimum: (1) A legal description of the property by public lands subdivision, metes-and-bounds, lot or by other suitable method, (2) a statement of the interest and term to be made available, designation of permissable uses, if applicable, including restrictions to be placed on the property, (3) whether the opportunity is for submission of a bid or a proposal as a result of a request for proposals, (4) when appropriate, a statement of the minimum acceptable bid below which the interest will not be conveyed, (5) an outline of bid or proposal procedures and a designation of the time and place for submitting bids or proposals, (6) an outline of lease procedures, requirements, and time schedule, and (7) information regarding the physical character of the property and its location as deemed necessary.

(b) Where a historic property has been designated for lease pursuant to this part, a condensed statement of the availability of property for lease shall be prepared and submitted for inclusion in the U.S. Department of Commerce publication "Commerce Business Daily" to: U.S. Department of Commerce (S-Synopsis), Room 1304, 433 West Van Buren Street, Chicago, Illinois 60607.

§ 18.6 Determination of fair market rental value.

Fair market rental value of a property offered for lease will be prepared and reviewed by qualified professional real estate appraisers. Estimated fair market rental value will be prepared in accordance with professional standards and practices, taking into consideration all factors influencing value including special or unique provisions and/or limitations on the use of the property contained in the lease.

§ 18.7 Advertised sealed bids.

In accordance with § 18.4(a), if a property is to be leased on a bid basis, and the advertisement/solicitation specifies a bid form, it will be made available upon request. Bids may be made by a principal or designated agent, either personally or by mail. Bids will be considered only if received at the place designated and prior to the hour fixed in the offering. If no bid form is specified, bids must be in writing, clearly identify the bidder, be signed by the bidder or designated agent, state the amount of the bid, and refer to the public notice. Bids conditioned substantially in ways not provided for by the notice will not be considered. Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for the amount specified in the advertisment. The bid and payment must be enclosed in a sealed envelope upon which the prospective bidder shall write:

(a) Bid on interest in property of the National Park Service, and (b) the scheduled date the bids are to be opened. Payments will be refunded to unsuccessful bidders. Bids will be opened at the time and place specified in the notice of the offering. Bidders, their agents or representatives, and any other interested person may attend the bid opening. No bid in an amount less than the fair market rental value shall be considered. In the event two or more valid bids are received in the same amount, the award shall be made by a drawing by lot limited to the equal acceptable bids received.

§ 18.8 Action at close of bidding.

When a property is advertised for sealed bids, the bidder who is declared by the authorized officer to be the high bidder shall be bound by his bid and the regulations in this part to execute the lease, in accordance therewith, unless the bid is rejected. The Director reserves the right to reject any and all bids, in his discretion when in the best interest of the Government.

§ 18.9 Requests for proposals.

(a) When the award of a lease will be based on criteria in addition to price, solicitation of offers should be made through requests for proposals and the Director may negotiate with the party or parties which, in the Director's judgment, makes the offer(s) which is susceptible to being the most advantgeous to the National Park Service.

(b) Where significant investment would be required of a potential lessee, the Director shall issue a request for proposals decribing the required preservation, preservation maintenance, restoration, reconstruction, adaptive use, or other specified work.

(c) Requests for proposals will be made available upon request to all interest parties and will allow a minimum of sixty days for proposals to be submitted unless a shorter period is necessary and made part of the public notice.

(d) All proposals received will be evaluated by the Director, and the proposal(s) considered to meet the criteria best shall be selected as the basis for negotiation to a final lease.

(e) The principal factors to be used in evaluating the proposal(s) shall be stated in the request for proposals and shall include as appropriate (1) price, (2) financial capability, (3) experience of the proposer, (4) conformance of the proposal(s) to the request for proposals, (5) impact of the proposal(s) on the historical signifcanace of the site or structure(s) or, (6) any other factors that may be specified. When the request for proposal solicits lease proposals for use of sites or structures, the selection criteria may included assessment of the degree to which any use proposed is supportive of the purposes of the park.

(f) The Director may solicit from any offeror additional information, or written or verbal clarification of a proposal. The Director may choose to reject all proposals received at any time and resolicit or cancel the solicitation altogether in his discretion when in the best interest of the Government. Any material information made available to any offeror by the Director must be made available to all offerors, and will be available to the public upon request.

(g) The Director may, at his discretion, terminate negotiations at any time prior to execution of the lease without liability to any party when it is in the best interest of the Government.

§ 18.10 Lease terms and conditions

(a) All leases shall contain such terms and conditions as the Director deems necessary to assure use of the property in a manner consistent with the purpose for which the area was authorized by Congress and to assure the preservation of the historic property.

(b) Leases granted or approved under this part shall be for the minimum term commensurate with the purpose of the lease that will allow the highest economic return to the Government consistent with prudent management and preservation practices, and except as otherwise provided in this part. In no event shall a lease exceed a term of 99 years.

§ 18.11 Subleases and assignments.

A sublease, assignment, amendment or encumberance of any lease issued under this part may be made only with the approval of the Director.

(a) A lease may be amended from time to time at the written request of either lessee or the Government with written concurrence of the other party. Such amendments will be added to and become a part of the original lease.

(b) The lease may contain a provision authorizing the lessee to sublease the premises, in whole or in part, with approval of the Director, provided the uses prescribed in the original lease are not violated. Subleases so made shall not serve to relieve the sublessee from any liability nor diminish any supervisory authority of the Director provided for under the approved lease.

(c) With the consent of the Director, the lease may contain provisions authorizing the lessee to encumber the leasehold interest in the premises for the purpose of borrowing capital for the development and improvement of the leased premises. The encumbrance instrument must be approved by the Director. An assignment or sale of leasehold under an approved encumbrance can be made with the approval of the Director and the consent of the other parties to the lease, provided, however, that the assignee accepts and agrees in writing to be bound by all the terms and conditions of the lease. Such purchaser will be bound by the terms of the lease and will assume in writing all the obligations thereunder.

§ 18.12 Special requirements.

(a) All leases made pursuant to the regulations in this part shall be in the form approved by the Director and subject to his written approval.

(b) No lease shall be approved or granted for less than the present fair market rental value.

(c) Unless otherwise provided by the Director a satisfactory surety bond will be required in an amount that will reasonably assure performance of the contractural obligations under the lease. Such bond may be for the purpose of guaranteeing:

(1) Not less than one year's rental unless the lease contract provides that the annual rental or portion therof shall be paid in advance.

(2) The estimated construction cost of any improvements by the lessee.

(3) An amount estimated to be adequate to insure compliance with any additional contractual obligations.

(d) The lessee will be required to secure and maintain from responsible companies insurance sufficient to indemnify losses connected with or occasioned by the use, activities, and operations authorized by the lease. Types and amounts of insurance coverage will be specified and reviewed by the National Park Service.

(e) The lessee shall save, hold harmless, and idemnify the United States of America, its agents and employees for losses, damages, or judgments and expenses on account of personal injury, death or property damage or claims for personal injury, death, or property damage of any nature whatsoever and by whomsoever made, arising out of the activities of the lessee, his employees, subcontractors, sublessees, or agents under the lease.

(f) No lease shall provide the lessee a preference right of future leases.

(g) The lessee is responsible for any taxes and assessments imposed by Federal, State, and local agencies on lessee-owned property and interests.

(h) The lessee shall comply with local applicable ordinances, codes, and zoning requirements.

§ 18.13 Ownership of improvements.

(a) Capital improvements made to existing government-owned structures by the lessee or additional structures placed on the government-owned land by the lessee shall become the property of the United States upon termination or expiration of the lease. No rights for compensation of any nature exist for such property at the termination or expiration of the lease except as specified in the lease.

(b) Furniture, trade fixtures, chattel, and other personal property defined in the lease shall remain the property of the lessee upon termination or expiration of the lease and shall be removed within a reasonable time specified in the lease.

§ 18.14 Exchange for historic property.

(a) After consultation with the Advisory Council on Historic Preservation, the Secretary, consistent with other legal requirements or other legal authorities, may exchange any

property owned by the United States of America under his administration for any non-federally owned historic property located within the authorized boundaries of an existing unit of the National Park System, if he has determined that such exchange will adequately ensure preservation of the historic property.

(b) The exchange of the two properties must be on the basis of approximately equal fair market value established by the approved appraisal reports of the agency. The Secretary may accept cash from or pay cash to the grantor in an exchange, in order to equalize the values of the properties exchanged.

(c) Title to the non-federal property to be received in exchange must be free and clear of encumbrances and/or liens.

(d) Prior to consummation of any exchange, the Secretary shall evaluate the federal land to be exchanged, and shall reserve such interests as necessary to protect the purposes for which the unit of the National Park System was established. The grantor of property to the Federal Government may reserve only such rights as are compatible with the purposes for which it is being acquired as determined by the Secretary. Appraisal of fair market values must reflect any reservations or restrictions.

[FR Doc. 82-11299 Filed 4-23-82; 8:45 am]
BILLING CODE 4310-70-M

VETERANS ADMINISTRATION

38 CFR Ch. 1

41 CFR Ch. 8

Executive Order 12291, Federal Regulation; Semi-annual Agenda of Regulations

AGENCY: Veterans Administration.

ACTION: Publication of semi-annual agenda.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under development, revision and review during the 6-month period from April 23, 1982 through October 22, 1982. The purpose in publishing this agenda is to give public notice of these upcoming regulations to allow all interested persons the opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Information and Regulations Staff (004A1), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-2308.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register**, in April and October of each year, a semi-annual agenda of major regulations under development or review. The Veterans Administration will publish its next agenda on October 26, 1982.

Dated: April 20, 1982.

Robert P. Nimmo,

Administrator.

NEW REGULATIONS PROPOSED OR UNDER DEVELOPMENT

[Apr. 22, 1982—Oct. 23, 1982]

Legal authority	Title	Description	Contact
Pub. L. 93-508	Vietnam Era Veteran's Readjustment Assistance Act of 1974.	General standards for measuring and evaluating the impact of all programs authorized under Title 38.	Donald F. Garrett (202) 389-3031.
Pub. L. 94-581, Veterans Omnibus Health Care Act of 1976.	Protection of Patient Rights	Specific minimum substantive and procedural rights to be uniformly afforded patients undergoing treatment in VA Medical Centers.	Dorothy Rasinski (202) 389-2221.
Pub. L. 96-22, Veterans Health Care Amendments of 1979.	Outreach Program, Fee Basis/Contracting Program.	Fee Basis/contracting provision of readjustment counseling veterans of the Vietnam Era.	Lee Crump, PhD. (202) 389-3303.
Pub. L. 96-22	Medical Care in U.S. For CAV's and New Philippine Scouts.	Authorizes hospital and nursing home care and medical services in the U.S. for Commonwealth Army Veterans and New Philippine Scouts for treatment of service-connected disabilities.	Gene Lambert (202) 389-2143.
Pub. L. 96-466	Veterans Rehabilitation and Education Amendments of 1980.	Incorporates provisions of Title I, Rehabilitation Amendments	S. L. Lemons (202) 389-2886.
Pub. L. 97-35, Omnibus Reconciliation Act of 1981.	Class II Dental Benefits	Restricts Class II dental benefits to veterans who were discharged under conditions other than dishonorable from a period of active duty or not less than 180 days.	Edwin Irish, D.D.S. (202) 389-2038.
Pub. L. 97-35	Consumer-Patient Radiation Health and Safety.	Makes Federal Radiation Guidelines and Standards promulgated by HHS applicable to provision of VA radiological procedures.	James Smith, M.D., (202) 389-3195.
Pub. L. 97-37, Prisoner of War Benefits and Health Care Services Act of 1981.	Definition of term "Former Prisoner of War".	Expands eligibility for VA medical care benefits by redefining "Former Prisoner of War".	Gene Lambert (202) 389-2143.
Pub. L. 97-37	Dental Care for Former POWs	Authorizes outpatient dental care for those additional veterans encompassed by the new definition of "former prisoner of war".	Jerome Hanes (202) 389-2337.
Do	Ex-POWs Inability to Defray Costs of Hospital Care.	Excludes nonservice-connected ex-POW's from the requirement to sign the oath of inability to pay for medical care.	Do.
Do	Outpatient Treatment for Ex-POWs	Authorizes the Administrator, within the limits of VA facilities, to furnish medical services for any disability on an outpatient or ambulatory basis for ex-POW's.	Anthony Ranciato (202) 389-2851.
Do	Outpatient Priority for Ex-POW's	Ex-POW's are provided special priorities for outpatient services ahead of all other nonservice-connected veterans.	Do.
Pub. L. 97-66	Definition	Amendment of group policy to reflect contract date changes	Robert W. Carey (215) 951-5360.
Pub. L. 97-66, Veterans' Disability Compensation, Housing and Memorial Benefits Amendments of 1981.	Applications	Provides for a member of the retired reserve of a uniformed service to obtain increased insurance coverage up to a maximum of $35,000 or any lesser amount divisible by $5,000 by properly submitting a written application.	Do.
Pub. L. 97-66	Deductions from Pay	Defines authority of the Secretary of Defense to prescribe regulations for the Secretaries of Military Depts. to ensure the proper collection of premiums.	Do.
Pub. L. 97-72, Veterans Health Care Training and Small Business Loan Act of 1981.	Entitlement to Outpatient Dental Care	Provides that discharged enlisted personel need not apply for Class II dental benefits after each period of enlistment.	Jerome Hanes (202) 389-2337.
Pub. L. 97-72	Veterans Education; Additional Period of Eligibility.	Criteria for providing veterans training under the GI Bill with an additional period of eligibility which may be up to 2 years long.	June C. Schaeffer (202) 389-2092.
Do	Business Loans[1]	Provides guaranteed or direct loans to certain service-connected disabled veterans and to Vietnam veterans for financing small business concerns.	George D. Moerman (202) 389-3042.

NEW REGULATIONS PROPOSED OR UNDER DEVELOPMENT—Continued

[Apr. 22, 1982—Oct. 23, 1982]

Legal authority	Title	Description	Contact
31 U.S.C. 665	Administrative Control of Funds	These regulations will implement provisions of OMB Circular A-34.	Dennin Bowser (202) 389-2311.

[1] If funded, the small business loan provisions of Pub. L. 97-72 will provide an additional source of funding for Vietnam and certain disabled veterans to obtain business loans. The loans should assist in the formation and capitalization of new or existing small businesses.

EXISTING REGULATIONS UNDER REVIEW OR REVISION

[Apr. 22, 1982-Oct. 23, 1982]

CFR Section	Title	Description	Contact
0.873(e)	Statements of employment and financial interest.	Updates list of positions requiring filing of statement of employment and financial interest.	Laverne Bunn (202) 389-3793.
1.514	Medical records disclosure	Permits medical records disclosure to treating physicians with verified oral consent from the veteran.	Neal C. Lawson (202) 389-3294.
1.526, 1.555, 1.579	Fee Regulations	Updates and consolidates these regulations into a single agency fee schedule regulation covering duplication search and certification fees and fee waiver criteria.	Do.
1.600	Payment of burial expenses of deceased veterans.	Implements provisions of Pub. L. 97-35 which restricts payment of the burial allowance to veterans in receipt of compensation at time of death.	T.H. Spindle (202) 389-3005
1.666	Licensing of government-owned inventions.	Reflects the role of the National Technical Information Service and provides appellate procedures called for in 41 CFR 101-4.105-4.	Neal C. Lawson (202) 389-3294.
3.1	Definitions	Implements the definition of the term "former prisoner of war" in Pub. L. 97-37.	T. H. Spindle (202) 389-3005.
6.64, 6.65, 6.68, 8.77, 8.79, 8.80, 8.80c, 8.81.	Optional insurance settlements	In the case of insurance maturing after Sept. 30, 1981 and for which no option has been elected by the insured, the beneficiary may elect to receive payment in one lump sum.	Robert W. Carey (215) 951-5360.
9.2	Effective date	Contract date changes, where appropriate	Do.
9.4	Amount of insurance	Provides for an increase to $35,000 for the maximum amount of Servicemen's Group Life Insurance and Veterans Group Life Insurance which may be purchased. Contract date changes where appropriate.	Do.
9.6	Waiver of reduction of coverage	A member may waive right to group coverage or elect to reduce the amount of insurance from $35,000 to any lesser amount divisible by $5,000.	Do.
9.8	Restoration of coverage	Subject to approval of insurer coverage is restored in the amount applied for	Do.
9.16	Beneficiaries and options	To reflect changes in new amounts of insurance available and contract date changes where appropriate.	Do.
9.22	Administrative divisions	To reflect changes in amount of insurance that can be purchased from $35,000 to any lesser amount divisible by $5,000.	Do.
9.24	Termination of coverage	Contract date changes where appropriate	Do.
9.27	Health standards	To reflect maximum amount ($35,000) of insurance coverage where appropriate.	Do.
9.36	Veterans group life insurance	To reflect new amounts of insurance from $35,000 to any lesser amount divisible by $5,000. Limit amount of combined insurance to $35,000 for Servicemen's and Veterans' Group Life Insurance, at any one time.	Do.
14.560	Procedure where violation of penal statutes is involved.	To change the VA's process for referring matters involving violations of penal laws to the Department of Justice.	Audley Hendricks (202) 389-5035.
14.627	Definitions	Redefines term "National Organization" and clarifies term "recognition"	Ed Lukey (202) 389-2440.
14.628	Requirements for recognition of organizations.	Changes requirements for recognition of National Organizations and changes information requirements.	Do.
14.628a	Withdrawal of recognition	Sets forth criteria for withdrawal of VA recognition of organizations	Do.
14.629	Requirements for recognition of representatives, agents, and attorneys.	Places limitation on number of times claims agent examination may be taken within specified time period. Permits interchangeable representation of attorneys within same firm and allows attorneys employees limited authority to assist in claims matters.	Do.
14.631	Powers of attorney	Representation by individuals	Do.
14.632	Letters of recognition	Provides that letters of recognition to former government employees will have reference to Title 18, United States Code.	Do.
14.633	Termination of recognition	Change title, also clarifies termination procedures	Do.
14.634	Fees and expenses	Changes VA involvement regarding expenses of agents and attorneys	Do.
17.17(a) App. A, 17.173(c)(3)	Grants to States for construction of State home facilities.	To change from 2½ to 4 per thousand veterans in a state, the maximum number of beds, as required by 38 U.S.C. 5034(l), to provide adequate nursing home care to veterans residing in each state.	Rita Frampton (202) 389-3679.
17.30(w)	Definitions	Redefines "Veterans Administration facilities" to provide authority to furnish medical services at private facilities for certain veterans receiving housebound or aid and attendance benefits.	Gene Lambert (202) 389-2143.
17.34	Informed consent	Mandates that all patient care be carried out with full and informed consent and clarifies the definition of a patient's representative.	Dorothy Rasinski, M.D., J.D., (202) 389-2221.
17.48(b)(1)	Domiciliary income limitation	To change the current income level of $415 per month by increasing the income limitation to an appropriate level taking into consideration the present Consumer Price Index.	Myrla Smith (202) 389-3692.
17.48(c)(2)	Evidence of inability to defray necessary expenses.	Provides authority to deny VA medical care on a case-by-case basis, when a determination is made that the individual is able to afford needed medical care from other than VA sources.	Jerome Hanes (202) 389-2337.
17.49	Admission priorities	Defines the admission priority for hospital care for Commonwealth Army Veterans and New Philippine Scouts.	Gene Lambert (202) 389-2143.
17.53a-17.53e	Alcohol and drug dependence or abuse treatment and rehabilitation.	Provides for alcohol or drug abuse care and treatment and rehabilitative services on a contract basis in halfway houses and other community-based treatment facilities.	Stewart Baker, M.D. (202) 389-5193.
17.54	Medical care for survivors and dependents of certain veterans.	Provides CHAMPVA benefits to surviving spouses or children of a person who died in the active military in the line of duty who are not eligible for CHAMPUS or Medicare benefits.	Harold Ramsey (202) 389-2337.
17.60b	Emergency outpatient care	Defines authority for furnishing emergency outpatient care to individuals attending national conventions of recognized veterans service organizations.	Gene Lambert (202) 389-2143.
17.60(g)	Priorities for medical services	Defines the outpatient priority category for compensation and pension examinations.	Anthony Ranciato (202) 389-2651.
17.62(a)	Charges for emergency services	Provides for reimbursement for emergency services provided to individuals other than eligible veterans attending national conventions of recognized veterans service organizations.	Ann McPherson (202) 389-2337.

EXISTING REGULATIONS UNDER REVIEW OR REVISION—Continued

[Apr. 22, 1982-Oct. 23, 1982]

CFR Section	Title	Description	Contact
17.166c	Amount of aid payable	Amends the published per diem rates payable to a recognized state home for domiciliary care, nursing home care, and for hospital care furnished to eligible veterans.	Gene Lambert (202) 389-2143.
21.1-21.48	Vocational rehabilitation	Presents purpose, basic entitlement, periods of eligibility, claims, and nonduplication of benefits between the vocational rehabilitation program and other education programs administered by VA.	S.L. Lemons (202) 389-3935.
21.50	do	Implements provisions requiring comprehensive evaluation of the veteran's situation as a basis for determining eligibility and entitlement to assistance, preparing an Individualized Written Rehabilitation Plan, limitations on the duration of rehabilitation programs and the role of the Vocational Rehabilitation Panel in assisting seriously disabled veterans.	Do.
21.100-21.102	do	Implements provision for counseling services	Do.
21.118-21.134	do	Identifies educational and vocational services which may be authorized	Do.
21.140-21.158	do	Identifies special rehabilitation services which may be authorized	Do.
21.160-21.162	do	Implements provisions for independent living servies	Do.
21.180-21.202	do	Identifies veteran's current status in his or her rehabilitation program	Do.
21.210-21.232	do	Describes provision for authorization of supplies for veterans being provided training and rehabilitation services.	Do.
21.240-21.249	do	Implements provisions for medical and related services	Do.
21.250-21.259	do	Implements provision for employment services	Do.
21.260-21.278	do	Implements provision for payment of monthly living allowance to veterans in a rehabilitation program election of payment at the educational assistance rate paid under chapter 34, payment to incarcerated and hospitalized veterans, payment of charges for tuition and fees, and loans from the revolving fund.	Do.
21.280-21.288	do	Establishes criteria for entrance and reentrance into a rehabilitation program	Do.
21.290-21.302	do	Implements provisions for use of training and rehabilitation facilities	Do.
21.310-21.314	do	Implements provision for measurement of rate of pursuit of a rehabilitation program.	Do.
21.320-21.332	do	Provides regulations for determining effective payment of allowances based on provisions of §§ 21.260-21.278 and 21.310-21.314.	Do.
21.340-21.352	do	Implements provision for approval of leaves of absence	Do.
21.360-21.628	do	Implements provision for satisfactory conduct and cooperation	Do.
21.380-21.406	do	Implements provision for personnel training and staff development, rehabilitation research, and the role of the Veterans Advisory Committee on Rehabilitation.	Do.
21.1020-21.4507	Veterans education;[1] education assistance.	This proposal will amend and augment CFR sections in order to implement provisions of Pub. L. 96-466 which affect these regulations and to make other technical changes.	June C. Schaeffer (202) 389-2092.
21.5054, 21.5132, 21.5138	Veterans education; DOD funding	States that DOD instead of VA will fund training under VEAP that takes place after December 31, 1981.	Do.
21.4136, 21.4137, 21.4232, 21.4503.	Veterans education; implementation of the Budget Reconciliation Act.	Implements those portions of the Budget Reconciliation Act which affect training under chapter 34, Title 38, United States Code.	Do.
21.4252	Veterans Education; matriculation	Requires matriculation in some instances before a veteran or eligible person can receive educational assistance allowance.	Do.
21.5040, 21.5065	Veterans Education; 24-month service requirement.	Implements that portion of Pub. L. 97-66, the Veterans' Disability Compensation, Housing and Memorial Benefits Amendments of 1981 which requires some participants in the Post-Vietnam Era Veterans' Educational Assistance Program to have 24-months active duty before they are eligible for benefits under the program.	Do.
21.4230	Veterans education; program of education.	Corrects an incorrect reference	Do.
21.3046, 21.4254, 21.4255	Veterans Education; pro-rata refund	Implements those sections of Pub. L. 97-66, which affect chapters 34, 35, and 36, Title 38, United States Code. This includes liberalizing eligibility requirements for surviving spouses, and permitting approval of some courses offered by non-accredited schools even though they do not have a pro rata refund policy.	Do.
21.4306, 36.4306.1, 36.4312	Refinancing loan discount points and automatic closing of refinancing loans.	Authorizes lenders to set discount points on refinancing loans at time of closing using an approved index and to allow closing of refinancing loans on the automatic basis.	George D. Moerman (202) 389-3042.
36.4216, 36.4235, 36.4331, 36.4341, 36.4361.	Suspension of program participants based on criminal conviction and suspension of lender's employees.	Revises the regulations to provide for suspension of program participants with no right to an administrative hearing if the person is convicted of a housing program crime and to provide for suspension of any lender's employee involved in program fraud.	Do.
36.4253, 36.4275, 36.4308, 36.4350, 36.4358.	Participation by State and local housing authorities in the Loan Guaranty Program.	Amends the regulations to allow State and local authorities to impose title or sales restrictions on homes and mobile homes acquired with bond assisted financing..	Do.
36.4309-36.4336	Graduated payment mortgages	Revises the regulations to provide VA guaranties on graduated payment mortgages to eligible veterans.	Do.
36.4356-36.4360a	Condominium regulations	Revises the regulations governing the acceptance of condominium developments for VA guaranteed loan financing.	Do.
41 CFR 8-1.50	Terms of payment	Provides specific terms of payment clauses which allow expeditious payment on VA contracts.	David S. Derr (202) 389-2334.
41 CFR 8-1.3	General policies	Incorporates the requirements of FPMR Temporary Regulation E-73 regarding deviations from priority sources of supply.	Chris A. Figg (202) 389-2334.
41 CFR 8-2.2, 81-2.4	Solicitation of bids; submission of bids; and award of contracts.	Amends the "aggregate award" clause and implements the Contract Disputes Act in regards to mistakes in bids.	Do.
41 CFR 8-3.2	Personal or professional services	Allows for approval of certain scarce medical specialist services contract renewals by an appropriate Medical District Director.	David S. Derr (202) 389-2334.
41 CFR Part 8-4	Consulting and related services	Add a new Subpart 8-4.8 to conform to the FPR and to revise existing control procedures for consulting services.	Timothy J. Ganous (202) 389-2334.

[1] Included in these regulations will be some which will subject some independently owned small schools and school districts with less than 50,000 population to additional recordkeeping or compliance requirements. A regulatory analysis is being prepared for these regulations.

[FR Doc. 82-11277 Filed 4-23-82; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, and 95

[PR Docket No. 82-184; RM-3624; FCC 82-151]

Temporary Permit for Additional Users of Authorized Mobile Relay Stations in the General Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the GMRS Rules to provide for issuance of a Temporary Permit for additional users of authorized mobile relay stations (repeaters) in the General Mobile Radio Service. Provision for a Temporary Permit would reduce licensing delays and give a more reasonable access to the GMRS. This action is being taken to promote further public interest by eliminating unnecessary licensing delays.

DATES: Comments are due by May 26, 1982 and replies by June 10, 1982.

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

FOR FURTHER INFORMATION CONTACT: Stephanie Spernak, Private Radio Bureau, Washington, D.C. 20554, (202) 632-6497 Room 5120.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 95

Radio.

In the matter of amendment of Parts 1, 2 and 95, Subpart A, of the Commission's Rules to provide for a temporary permit for additional users of authorized mobile relay stations in the General Mobile Radio Service (GMRS).

Adopted: April 1, 1982.

Released: April 12, 1982.

Introduction

1. The Commission is proposing to amend its Rules to provide for a Temporary Permit for immediate operation in the General Mobile Radio Service (GMRS). The temporary licensing procedure we are proposing would be available only to eligible GMRS license applicants who would be additional users of multiply-licensed base stations, functioning as mobile relays in authorized GMRS systems.

Background

2. Joseph Mancuso, Jr. of Casper, Wyoming, filed petition for rule making, RM-3624, March 11, 1980. The petitioner proposes amendment of the GMRS Rules to "allow temporary licensing of mobile and portable radio units that are proposed for use in an existing radio system (repeater already licensed and in service)." The petitioner believes his proposal is necessary to reduce GMRS licensing delays and "furnish more reasonable access to the GMRS Service." No comments to RM-3624 were filed.

Proposal

3. We agree that there is merit to a temporary licensing proposal for the GMRS. Therefore, we propose to provide a Temporary Permit for immediate GMRS operation to those eligible license applicants who would be additional users of multiply-licensed base stations, functioning as mobile relay stations (repeaters).

4. A Temporary Permit for immediate operation in the Business Radio Service, FCC Form 572, was adopted recently by the Commission.[1] The availability of the Temporary Permit is limited, however, to additional users of multiply-licensed mobile relay systems operating in the Business Radio Service. When adopting the rule amendments to implement the Temporary Permit, we explained that we could undertake a temporary permit system limited to additional users of currently-licensed Business Radio systems without abrogation of our regulatory responsibilities. We realized that service to the public could be significantly improved without adverse impact on our licensing resources. We reasoned that "there is little or no likelihood that these subsequent users of shared facilities will cause interference to other users, because they are merely increasing mobile loading on systems already in operation." With respect to other pertinent regulatory issues, we recognized that the previously-licensed Business Radio system to be shared by additional users would already have undergone the necessary frequency coordination, field study reports, and antenna clearance by the Federal Aviation Administration, if required. Finally, we stated that prior determination of eligibility requirements in the Business Radio Service is not a major consideration for additional users because the standards are so broad that it is rare for an applicant to be denied a license on eligibility grounds.

5. The format of the proposed GMRS Temporary Permit (see Appendix B) would be virtually identical to the Temporary Permit form for the Business Radio Service. An applicant would certify eligibility for licensing in the GMRS on the Temporary Permit form.[2] The applicant would state the location of the shared GMRS base station facility, the name of the GMRS system licensee, call sign, the number of mobile units and the location of control stations or control points. The applicant would also use a temporary call sign, prefixed by the letters WT and followed by the applicant's business or residence seven-digit telephone number. The Temporary Permit would be valid for 180 days from the date the applicant mailed FCC Form 400 to the Commission.

6. If adopted, the Temporary Permit would eliminate licensing delays for many GMRS applicants. We estimate that at least half of the GMRS license applications we receive are submitted by additional users of multiply-licensed base stations, functioning as mobile relays.

Conclusion

7. Notice is hereby given that it is proposed to amend 47 CFR Parts 1, 2 and 95, Subpart A, of the Commission's Rules as set forth in the attached Appendix.

Procedural Matters

8. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that

[1] See PR Docket 79-338, Report and Order, 45 F.R. 59880, September 11, 1980. A petition for review of the Commission's decision in that proceeding was filed in the United States Court of Appeals for the District of Columbia, on September 26, 1980, by Telocator Network of America. The Commission's decision was affirmed as a "reasonable and proper exercise of (its) authority under the Communications Act of 1934, as amended." *Telocator Network of America, v. Federal Communications Commission*, No. 80-2182 (U.S. App. D.C. August 14, 1981).

[2] GMRS Rule Sections 95.11 and 95.13 specify broad license eligibility requirements. License applicants must be at least 18 years old, if applying as individuals or in partnerships, and may not be foreign governments or representatives thereof. 47 CFR § 95.11 and § 95.13.

presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554 (202) 632–7000.

9. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before May 26, 1982 and reply comments on or before June 10, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

11. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding because this proposal is deregulatory in nature, and would not have a significant economic impact on a substantial number of small entities.

12. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration, and that the Secretary shall also cause a copy of this notice to be published in the **Federal Register.**

13. For information on this proceeding, call or write the Personal Radio Branch, Private Radio Bureau, FCC Washington, D.C., 20554, (202) 632–4964.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parts 1, 2 and 95, Subpart A of Chapter I of Title 47 of the Code of Federal Regulations are amended, as follows:

1. At the end of §1.922, a new FCC Form and Title are added to read:

§ 1.922 Forms to be used.

* * * * *

FCC form	Title
* * * * *	
000	Temporary Permit for a General Mobile Radio Service System.

2. In § 1.925, a new paragraph (h) is added to read:

§ 1.925 Application for special temporary authorization, temporary permit, temporary operating authority, or interim amateur permit.

* * * * *

(h) An applicant for a General Mobile Radio Service system license, sharing a multiple-licensed base station used as a mobile relay station, may operate the system for a period of 180 days, under a Temporary Permit, evidenced by a properly executed certification made on FCC Form ——, after mailing FCC Form 400 to the Commission.

3. At the end of § 2.302, a new class of station, composition of call sign, and call sign block are added to the table of call signs, to read:

§ 2.302 Call signs.

* * * * *

Class of station	Composition of call	Call sign blocks
* * * *		
General Mobile Radio Service, temporary permit.	2 letters, 7 digits.	WT plus business or residence telephone number.

4. In § 95.15, a new paragraph (c) is added to read:

§ 95.15 Standard forms to be used.

* * * * *

(c) Form ——, Temporary Permit for a General Mobile Radio Service System, should be used if applicant is eligible and desires to operate the station pending the processing of the application. (See also Section 95.16.)

5. A new § 95.16 is added to read:

§ 95.16 Temporary permit.

An applicant for a General Mobile Radio Service system license, sharing a multiple-licensed base station used as a mobile relay station, may operate the system for a period of 180 days, under a Temporary Permit, evidenced by a properly executed certification made on FCC Form ——, after mailing FCC Form 400 to the Commission.

6. In § 95.53, a new paragraph (c) is added to read:

§ 95.53 Posting station license.

* * * * *

(c) The Temporary Permit for a General Mobile Radio Service system shall be retained as part of the station records. The Temporary Permit need not be posted.

BILLING CODE 6712-01-M

APPENDIX B

Federal Communications Commission
Washington, D.C. 20554

Temporary Permit To Operate

1 Instructions

Use this form only if you want a Temporary Permit in the General Mobile Radio Service to share a multiply-licensed base station used as a mobile relay station while your application, FCC Form 400, is being processed by the Federal Communications Commission.

Do not use this form if you operate an individual non-shared station or if you will be the first user of a facility intended for shared use.

Do not use this form for any other radio service.

2 Certification
Read, Fill in Blanks, and Sign

I hereby certify that:

☐ I am not a representative of a foreign government.

☐ I am eligible in the General Mobile Radio Service under Sections 95.11 and 95.13 of the FCC Rules.

☐ I have not been denied a license or had my license revoked by the FCC.

☐ I am not the subject of any other legal action concerning the operation of a radio station.

☐ My completed Form 400 has been mailed to the FCC

Name of Applicant	Date Form 400 Mailed to FCC
Mailing Address of Applicant *(Number, Street, City, State, Zip Code)*	
Signature of Applicant	

If you cannot certify to the above, you are not eligible for a temporary permit. Willful false statements void this permit and are punishable by fine and/or imprisonment.

3 Technical Information

Location of Existing Licensed Facility

Location of Control Station(s) or point(s)

Number of Mobile Units

Licensee Presently Operating on the Shared Facility

Name

Call Sign

4 Temporary Call Sign

- **Complete the blocks as indicated.**

Use this temporary call sign until a call sign is assigned by the Federal Communications Commission.

W	T							

Your temporary call sign will consist of the letters "WT" plus your business or residence telephone number.

5 Limitations

Your authority under this Permit is subject to all applicable laws, treaties and regulations and is subject to the right of use or control by the Government of the United States.

This permit is valid for 180 days from the date the Form 400 is mailed to the FCC.

You must have a Temporary Permit or a license from the FCC to operate your General Mobile Radio Service station transmitters.

This Temporary Permit must be kept with the station records until the license is received.

Do Not Submit This Form To The FCC

FCC Form
(Date)

[FR Doc. 82-11050 Filed 4-23-82; 8:45 am]
BILLING CODE 6712-01-C

47 CFR Part 31

[CC Docket No. 82-185; FCC 82-156]

Amendment To Revise the Requirement for Filing Journal Entries Recording the Acquisition of Plant

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has instituted a Notice of Proposed Rulemaking for the purpose of amending Part 31 of its Rules and Regulations regarding the reporting requirements for the acquisition of a telephone system, exchange, or toll line from equipment predecessors exceeding a purchase price of $100,000 and also for the treatment of plant acquisition adjustments exceeding $10,000 brought about by such plant acquisitions. These changes are designed to reduce the administrative burden for reporting carriers.

DATES: Comments are due by May 19, 1982 and replies by June 3, 1982.

ADDRESS: Federal Communications Commission, 1919 M St. NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tom Petras, Common Carrier Bureau, (202) 634-1752.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 31

Communications common carriers, Telephone, Uniform system of accounts.

Adopted: April 1, 1982.

Released: April 12, 1982.

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies of the Commission's Rules and Regulations to revise the requirement for filing journal entries recording the acquisition of plant; Notice of proposed rulemaking.

1. We are issuing today a Notice of Proposed Rulemaking reviewing certain of the dollar levels at which we require reporting by carriers for accounting purposes. we are undertaking this review because of our concern that regulatory resource allocations be reevaluated on a regular basis in order that they are targeted to be most effective. In the two proposals discussed below, the Commission has identified regulations which we believe should be modified so as to increase the effectiveness of our resource allocations.

2. The first proposal involves paragaph (e) of § 31.2-21 of Part 31 of the Commission's Rules and regulations which requires that "[c]ompanies having annual operating revenues exceeding $1,000,000 shall submit to this commission for consideration and approval copies of journal entries recording the acquisitions of telephone plant * * * where the consideration paid is $100,000 or more." A review of the Commission's fixed dollar reporting requirements for this category discloses that the dollar threshold for the submission of journal entries has not been revised since May 25, 1960. In this order we propose to increase the dollar amount at which submission of journal entries for Commission consideration and approval is required to $1,000,000.

3. A review of journal entries filed in accordance with the above section for the years 1979, 1980, and 1981 indicates that if the limit were increased to $1,000,000, approximately 90% of the filings would be eliminated.[1] Raising the $100,000 figure to $1,000,000 would give recognition to the effects of inflation on today's economy [2] and would lighten the administrative burden on the respondents and on the Commission's staff. At the same time the Commission would maintain oversight of the 10% of journal entries which are really of significance from a regulatory standpoint.

4. No amendments are being proposed in this proceeding with respect to Part 33, Uniform System of Accounts for Class C Telephone Companies, Part 34, Uniform System of Accounts for Radiotelegraph Carriers, or Part 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers. Part 33 does not have a similar requirement with a dollar amount as the criterion for submitting journal entries. Further, there are very few acquisitions of plant by the carriers subject to Parts 34 and 35 and a similar amendment to these parts does not appear necessary.[3]

5. The second proposal relates to § 31.100: 4(c)(3) which also contains a dollar limit that we feel should be reviewed. This section states that "the company may dispose of the total amount * * * arising from an acquistion of telephone plant by a lump sum charge or credit * * * to Account 614, Amortization of telephone plant acquisition adjustment * * * provided that such amount does not exceed $10,000 * * * " We propose to increase this dollar amount to $100,000. This proposal is based upon the need to account for the effects of inflation as well as the requirement that resources be focused where they can most likely accomplish Commission objectives. Again, we feel that the information supplied as a result of requirements of Part 31 is useful and that an increase in the dollar limit would reduce the reporting requirements to a minimum.

6. The Commission proposes to make any amendment to Part 31 of our Rules adopted as a result of this proceeding effective not less than six months after issuance of a final order with respect to this rulemaking as required by section 220(g) of the Communications Act.

7. In compliance with the provisions of section 603(b) of the Regulatory Flexibility Act, 5 U.S.C. 603(b), we believe the accounting change can be readily implemented by all Carriers subject to Part 31 without significant economic impact and, in fact, will ease the recordkeeping requirments of these carriers, both large and small.

8. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive dispostion of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file with a copy to the Commission offical receiving the oral presentation. Each *ex*

[1] There were 32 journal entries submitted for consideration and approval during the first 10 months of 1981. There were 33 submissions in 1980 and 62 in 1979.

[2] The Producer Price Index for Finished Goods for July 1981 was 271.3 compared to 93.5 for May 1960 with 1967 as the base equal to 100. Data furnished by the Bureau of Labor Statistics, August 25, 1981.

[3] Section 34.1-2(3)(g) requires that "Copies of journal entries recording the acquisition of * * * when the consideration paid * * * is $25,000 or more." Section 35.1-2(3)(h) requires that "Copies of journal entries recording the acquisition of * * * when the consideration paid * * * is $25,000 or more."

parte presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

9. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and providing that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. Accordingly, it is ordered, That, pursuant to the provisions of Sections 4(i), 220(a) and 220(g) of the Communications Act of 1934, As Amended, 47 U.S.C. 154(i), 220(a) and 220(g), there is hereby instituted a notice of proposed rulemaking into the foregoing matters.

11. It is further ordered, That all interested persons may file comments on the specific proposal discussed in this Notice on or before May 19, 1982. Reply comments shall be filed on or before June 3, 1982. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the documents will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, NW., Washington, DC.

12. It is further ordered, That the Secretary shall cause this notice of proposed rulemaking to be published in the **Federal Register.**

13. It is further ordered, pursuant to Section 220(i) of the Communications Act, 47 U.S.C. 220(i), That the Secretary shall cause a copy of this notice to be served on each state commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-11312 Filed 4-23-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 80
Monday, April 26, 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.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Proposed Revision of Minimum Guidelines and Requirements for Accessible Design, Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of ATBCB meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting for 10:00 AM, on May 4, 1982, to consider final action on proposed revision of the ATBCB Minimum Guidelines and Requirements for Accessible Design as published in the **Federal Register** on January 27, 1982; final action on the proposed rule published in the **Federal Register** on August 4, 1981, concerning rescission of the ATBCB Minimum Guidelines and Requirements for Accessible Design of January 16, 1981; consideration of the position of the ATBCB concerning the proposed Uniform Accessibility Standard; and, consideration of communication research projects with private organizations. Also, to be discussed, will be the report on the publication of the ATBCB Minimum Guidelines and Requirements for Accessible Design in the 1982 edition of the Sweet's Catalogue.

DATE: May 4, 1982, 10:00 a.m.–5:00 p.m.

ADDRESS: Main Hall, Disable American Veterans National Service and Legislative Headquarters, 807 Maine Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information, (202) 245–1591 (voice or TDD).

ATBCB Committee of the Whole is scheduled to meet Monday, May 3, 1982. The other ATBCB committees are scheduled to meet on Monday at the DAV. Contact Larry Allison, Director of Public Information, (202) 245–1591 (voice or TDD), for further information.

Wm. Bradford Reynolds,
Acting Chairperson.

[FR Doc. 82–11270 Filed 4–23–82; 8:45 am]
BILLING CODE 4000–07–M

CIVIL AERONAUTICS BOARD

[Docket 40508]

Air Atlanta Fitness Investigation; Cancellation of Prehearing Conference

On April 20, 1982, the Bureau of Domestic Aviation filed a motion to admit evidence and set further procedures in this proceeding. In that motion, the Bureau states that it has examined the applicant's exhibits and is satisfied that no further information is needed to determine the fitness issue. The Bureau requests that the applicant's exhibits be received into evidence along with BDA-R-1 and BDA-R-2, which were attached to its motion. The applicant has no objection to these requests. The Bureau's motion will, therefore be granted and briefs in this case will be due on May 5, 1982.

Accordingly,

Notice is hereby given that the prehearing conference on this case assigned to be held on April 22, 1982 (47 FR 14928 April 7, 1982) is hereby cancelled.

Dated at Washington, D.C., April 21,1982.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 82–11303 Filed 4–23–82; 8:45 am]
BILLING CODE 6320–01–M

[Order To Show Cause (82–4–106)]

Application of Yukon Air Service, Inc., d.b.a. Air North and Nenana Air Service for Certificate; Amendment Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (82–4–106).

SUMMARY: The Board is proposing to authorize Yukon Air Service, Inc. d/b/a Air North and Nenana Air Service (Air North) to provide all-cargo air transportation in Alaska between and among the points listed in its application.

DATES:

Objections

All interested persons having objections to the Board issuing the proposed certificate amendment shall file, and serve upon all persons listed below no later than May 11, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objection to the issuance of a final order should be filed in Docket 40486, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Air North, the Alaskan Transportation Commission, the Governor of Alaska, the FAA Region Headquarters in Anchorage and the CAB Field Office in Anchorage.

FOR FURTHER INFORMATION CONTACT: Charles Stohr, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5000.

SUPPLEMENTARY INFORMATION: The complete text of Order 82–4–106 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82–4–106 to that address.

By the Bureau of Domestic Aviation: April 20, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82–11304 Filed 4–23–82; 8:45 am]
BILLING CODE 6320–01–M

[Docket 40518; Order 82–4–99]

Harold's Air Service, Inc.; Order Establishing Temporary Service Mail Rates

By this order, we institute an investigation to determine the fair and reasonable final service mail rates to be paid by the United States Postal Service to Harold's Air Service, Inc. for the carriage of mail by aircraft in its certificated services, and to establish temporary rates for such transportation pending the conclusion of that investigation.

By Order 82–2–106, February 22, 1982, we granted a certificate of public convenience and necessity to Harold's

for Route 330. On March 11, 1982, Harold's filed a petition requesting us to (1) establish fair and equitable rates for the transport of U.S. mail between and among points in the State of Alaska as authorized by the Board; and (2) until such time as permanent mail rates can be established, to establish temporary mail rates at the same level as authorized for Alaska Airlines in Order 80–12–153.

Mail is presently being transported over this route by Wien Air Alaska Airlines under subcontract arrangements. Rates for Wien were established by Order 80–12–152. Harold's currently operates scheduled air service among several points in Alaska in its own name and as a subcontractor for Wien. Since Harold's will be providing the same mail service under its own certificate as it now does under a Wien subcontract, we see no reason why these rates should not apply as temporary rates for Harold's as well. In these circumstances, and especially since other intra-Alaskan carriers are being paid these rates on a temporary basis, we will establish the rates fixed by Order 80–12–153 as the fair and reasonable temporary service mail rates for Harold's. These temporary rates will be subject to retroactive adjustment in accordance with the level of final rates established by us in Dockets 38019 and 38961.

We will make these rates subject to the same rate equalization provisions customarily prescribed for other carriers providing similar transportation,[1] and permit the equalization of Harold's rate and the lowest final rate of any other carrier serving the same general area.

Ordinarily, mail rates are established after notice and opportunity for comment. The temporary rates and equalization provisions we are dealing with here, however, are identical to the rates and provisions that were originally established after full notice and comment and are currently in effect for substantially the same services that Harold's will perform over its certificated routes. Therefore, we conclude that, since no one will be prejudiced by our departure from the usual notice and comment procedures as set forth in 14 CFR 302.310, the procedural requirements of Rule 310 shall be waived.

Accordingly, 1. We institute an investigation to determine the fair and reasonable final service mail rates to be paid by the Postmaster General to Harold's Air Service, Inc. for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its intra-Alaskan routes on and after the date of institution of scheduled certificated services;

2. The fair and reasonable temporary rates of compensation to be paid by the Postmaster General to Harold's Air Service, Inc., on and after the date of institution of scheduled certificated services, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, are the rates established for Alaska Airlines, Inc. by Order 80–12–153;

3. The temporary service mail rates established in this order shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to the date of institution of scheduled certificated services, as may be required by the order establishing final service mail rates in the investigation instituted by this order;

4. Harold's Air Service, Inc. by notice, may elect to transport mail between points for which rates here established are applicable at a reduced rate equal to the rate then in effect for such service between such points by any other certificated carrier or carriers. If such rate is a temporary rate, the rate paid to Harold's Air Service will be adjusted retroactively to the lowest final rate determined for such service between such points.

(a) An original and three copies of each notice of election and agreement shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing service between the stated points. Such notice shall contain a complete description of the reduced charge being established, the routing over which it applies, how it is constructed, and shall similarly describe the charge with which it is being equalized.

(b) Any rate established shall be effective for the electing carrier or carriers on the date of filing of the notice, or such later date as may be specified in the notice, until such election is terminated. Elections may be terminated by any electing carrier upon ten day's notice filed with the Board and served upon the Postmaster General and each carrier providing service between the stated points; and

5. We shall serve a copy of this order upon the Postmaster General and Harold's Air Service, Inc.

We shall publish a notice of this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[2]

Secretary.

[FR Doc. 82–11302 Filed 4–23–82; 8:45 am]

BILLING CODE 6320–01–M

[Order 82–4–7]

Order Adjusting the Subsidy Rates

AGENCY: Civil Aeronautics Board.

ACTION: Summary of order 82–4–7, amending subsidy rates under section 406.

SUMMARY: The Board is making certain subsidy rate adjustments to those carriers receiving subsidy for services provided under section 406, reducing subsidy payments in conformance with the subsidy ceiling restrictions placed on the expenditure of funds by Pub. L. 97–102, *Department of Transportation and Related Agencies Appropriations, 1982.*

The order lists those points eligible for section 406 subsidy; establishes a base subsidy rate for each eligible point served by the Class Rate Carriers, including a pro-rata assignment of service incentive payments; proposes the Seventh Review results of Class Rate IX as the final rate adjustment under Class Rate IX; denotes the method for adjusting rates for non-class rate carriers; and provides for a bi-monthly report as to carrier position with regard to the subsidy ceiling.

DATE: Persons entitled to petition for reconsideration of this order pursuant to the Board's Regulations, 14 CFR 302.37, may file their petitions May 10, 1982.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5368.

The complete text of Order 82–4–7 is available from our Distribution Section. Persons outside the metropolitan area may send a postcard request for the order to The Distribution Section, B–22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 1, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–11305 Filed 4–23–82; 8:45 am]

BILLING CODE 6320–01–M

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[1] See Orders 82–2–62, 82–1–61, 82–1–18 and 81–8–154.

[2] All Members concurred.

DEPARTMENT OF COMMERCE

International Trade Administration

Potassium Permanganate From Spain; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: We are terminating the CVD investigation initiated under Section 303 of the Tariff Act of 1930, as amended, concerning potassium permanganate from Spain. The investigation will be continued under Title VII of the Act. This changes the effective date of the preliminary determination in this investigation to April 14, 1982.

EFFECTIVE DATE: April 26, 1982.

FOR FURTHER INFORMATION CONTACT: Leon McNeil, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Case History

On November 10, 1982, we received a petition in proper form from counsel on behalf of Carus Chemical Company of La Salle, Illinois. The petition alleged that the government of Spain bestows benefits that constitute bounties or grants upon its manufacturers, producers and exporters of potassium permanganate.

After reviewing the petition and finding it was in proper form, we published a notice of initiation of a countervailing duty investigation under Section 303 of the Tariff Act of 1930, as amended ("the Act") in the **Federal Register** of December 4, 1981 (46 FR 59282). We presented a questionnaire to the government of Spain at its embassy in Washington, D.C. on February 3, 1982, we made a preliminary negative countervailing duty determination and published it in the **Federal Register** of February 9, 1982 (47 FR 5924).

On April 14, 1982, the U.S. Trade Representative's office announced that Spain was a "country under the Agreement" as set out in Section 701(b) of the Act. As a result of this announcement, Title VII of the Act applies to all countervailing duty investigations of merchandise from Spain. According to Section 102 of the Act, once Title VII becomes applicable, any pending investigation under section 303 must terminate. Where a preliminary but not a final determination has been made, the case is to be treated as if the preliminary determination were made under section 703 of the Act as of the date Title VII first applied to the country. Therefore the date Spain became a "country under the agreement", April 14, 1982, is the date of the preliminary determination in the investigation involving potassium permanganate.

Scope of the Investigation

The merchandise covered by this investigation is potassium permanganate, a purple salt used primarily as an oxidant in the manufacture of organic chemicals, as a disinfectant, as a deodorizer, and as a bleach. It is currently provided for under item number 420.28 of the *Tariff Schedules of the United States.*

In our present investigation we expect to cover the same programs cited in the original initiation notice (46 FR 59282).

This investigation will proceed according to the statutory provisions of Title VII of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration

April 19, 1982.

[FR Doc. 82–11359 Filed 4–23–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Proposed Estuarine Sanctuary, Mink River, Wisconsin; Intent To Prepare Environmental Impact Statement

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA) announces its intent to prepare a draft environmental impact statement on a proposed estuarine sanctuary on the Mink River in Wisconsin, in accordance with the provisions of the National Environmental Policy Act (NEPA) and section 315 of the Coastal Zone Management Act (CZMA). Designation of the sanctuary would protect and manage approximately 1,500 acres of important estuarine habitat located in the northeastern part of Door County, near the tip of the 75 mile long peninsula separating Green Bay from Lake Michigan.

Discussion

The Mink River estuarine sanctuary proposal has been developed after extensive consultation between State and Federal agencies, local government officials, private land owners, research and public interest groups since the fall of 1980, and has been reviewed by the Bay-Lake Regional Planning Commission in accordance with OMB Circular A–95. Under the auspices of the Wisconsin Coastal Management Program, an eight-month long information/eduation process was implemented including three public meetings with local officials, interested citizens and landowners, a landowner opinion survey, and the development of a detailed discussion paper entitled *Options for the Management of a Wisconsin Estuarine Sanctuary.* The results of this process plus input from an ad hoc Scientific Review Committee, The Wisconsin Department of Natural Resources, The Nature Conservancy, the Federal Office of Coastal Zone Management, the University of Wisconsin Sea Grant Program and the Wisconsin Scientific Areas Preservation Council indicated that of the six sites initially nominated to the Estuarine Sanctuary Program that the Mink River most closely fits the goals and objectives of the Program. The Office of Coastal Zone Management has recently received a formal request from the State of Wisconsin to designate the Mink River and portions of surrounding lands as a National Estuarine Sanctuary and to provide a grant to assist the State in purchasing about 1,500 acres within the proposed sanctuary's boundary.

No further scoping meetings are contemplated at this time because of the extensive meetings which have transpired. However, interested parties who wish to submit suggestions, comments, or substantive information concerning the scope or content of this proposed environmental impact statement should do so by May 7, 1982. The DEIS will be prepared in compliance with the Council on Environmental Quality (CEQ) regulations (FR Vol. 43 November 29, 1978).

Comments may be submitted in writing or by telephone to Dr. Richard J. Podgorny, Sanctuaries Projects Manager, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA; 3300 Whitehaven Street, NW., Washington, D.C. 20235, (202) 634–4236.

(Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Program Estuarine Sanctuary)

Dated: April 20, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-11263 Filed 4-23-82; 8:45 am]

BILLING CODE 3510-08-M

Withdrawal of the Flower Garden Banks in the Gulf of Mexico From the National Marine Sanctuary List of Active Candidates

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: On October 31, 1979 (44 FR 62552), NOAA placed the Flower Garden Banks on its List of Active Candidates for further evaluation as a potential national marine sanctuary and began the lengthy designation process, including the preparation and distribution of a draft environmental impact statement (DEIS). Since that time several factors have changed in the course of analyzing the proposal. Because of these changes NOAA is withdrawing the DEIS and removing the site from the existing List of Active Candidates for designation as national marine sanctuaries at this time. Concurrently, NOAA has established a new process for evaluating potential marine sanctuaries through the use of eight regional resource evaluation teams (including a Gulf of Mexico team). Because the need for a comprehensive reassessment of the Banks coincides with the establishment of the new process to further evaluate potential marine sanctuaries, the site will be reconsidered by the Gulf regional team and if the Flower Garden Banks site ranks high after the new Site Evaluation List (SEL) process and if NOAA decides to proceed, a new DEIS will be prepared.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Foster, (202) 634-4236. Address: Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, NW., Washington, DC. 20235.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431-1434, authorizes the Secretary of Commerce to designate ocean waters as marine sanctuaries to protect their distinctive conservation, recreational, ecological, or esthetic values.

On April 13, 1979, NOAA published proposed regulations (44 FR 22081) and a draft enviromental impact statement (DEIS) describing the East and West Flower Garden Banks sanctuary proposal and alternative protective actions. As a result of public comments on the DEIS and input from cooperating agencies (the Department of the Interior (DOI), the Environmental Protection Agency (EPA), and the Department of Energy (DOE)), NOAA revised the regulations originally proposed and reproposed them on June 30, 1980 (45 FR 33530). Previous restrictions on hydrocarbon operations were revised to conform with the lease stipulations imposed by the Bureau of Land Management, DOI. As a result of public comments on the reproposed regulations and a decision to await the results from an impending EPA evidentiary hearing on National Pollutant Discharge Elimination System (NPDES) permit conditions, further action on the proposal was suspended in late 1980. A final EIS was not prepared.

NOAA has decided to withdraw the DEIS and to remove the site from the existing List of Active Candidates for designation as national marine sanctuaries for three major reasons: (1) Environmental issues that led to nomination of the site have been settled by other means, including negotiated agreements with DOI and DOE and release of EPA's NPDES permit conditions for oil and gas operations in the area; (2) analysis presented in the DEIS is now outdated, thereby compromising the utility of the document in the decisionmaking process; and (3) NOAA's National Marine Fisheries Service is preparing a proposed Coral Reef Fishery Management Plan that could include regulations to restrict the minor problem of vessel anchoring on the Banks, the sole unresolved issue as identified in the DEIS and public comment. This issue would have to be reevaluated in view of this plan and current visitor use data.

NOAA has recently initiated a new Site Evaluation List (SEL) process whereby nominated areas are scrutinized according to criteria for national marine sanctuary designation. Under this process, NOAA is using eight regional resource evaluation teams to identify, evaluate, and recommend sites suitable for sanctuary consideration. Information on the Flower Garden Banks has been given to the Gulf of Mexico regional team. If the Flower Garden Banks site ranks high after the SEL process and if NOAA decides to proceed, a new DEIS will be prepared.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: April 20, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82-11264 Filed 4-23-82; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, June 1, 1982; Tuesday, June 8, 1982; Tuesday, June 15, 1982; Tuesday, June 22, 1982; and Tuesday, June 29, 1982 at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(c)(4)).

However, members of the public who may wish to do so are invited to submit

material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

April 20, 1982.

[FR Doc. 82-11274 Filed 4-23-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL82-13-000]

American Public Power Association; Filing

April 19, 1982.

Take notice that on March 31, 1982, the American Public Power Association (APPA) filed a motion requesting that the Commission stay the effective date for cost of service filings pursuant to section 133 of the Public Utility Regulatory Policies Act (PURPA) as established in Order No. 48. APPA states the the stay should remain effective until the Commission has reviewed its existing section 133 regulations and such additional time as is appropriate to permit jurisdictional systems to modify their filings accordingly. In the alternative, APPA moves that the Commission provide that all section 133 utility systems shall have until November 9, 1982, to file cost of service reports and further that the 1982 reports be no more comprehensive than those required to be filed in 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before may 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11319 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-452-000]

Arizona Public Service Co.; Filing

April 20, 1982.

The filing Company submits the following:

Take notice that Arizona Public Service Company on April 12, 1982, tendered for filing as an initial rate schedule an Interruptible Transmission Service Agreement between San Diego Gas and Electric Company (San Diego) and Arizona Public Service Company (APS) dated March 15, 1982.

Waiver is requested under the provisions of Section 35.11 so that service could be commenced on May 1, 1982, the effective date of the Agreement.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11320 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1843-001]

Philip T. Ashton; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, Philip T. Ashton filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and Director, Connecticut Light and Power Company
Senior Vice President and Director, Hartford Electric Light Company
Vice President and Director, Western Massachusetts Electric Company
Vice President and Director, Holyoke Water Power Company
Vice President and Director, Holyoke Power & Electric Company

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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11335 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-454-000]

Black Hills Power & Light Co.; Tariff Change

April 20, 1982.

The filing Company submits the following:

Take notice that Black Hills Power and Light Company, on April 13, 1982, tendered for filing proposed changes in its FPC Electric Service Tariff contained in FPC Docket No. ER80-425. The proposed changes would increase revenues from jurisdictional sales and service by $749,191 based on the 12 month period ending June 30, 1981 at rates presently in effect.

The reason for the proposed increase in rates, briefly, is that the existing rate is so low that the Company is earning less than seven percent rate of return on capital invested to render the municipal wholesale services, which the Company believes is unreasonable.

Copies of the filing were served upon the public utility's jurisdictional customers and the Public Service Commission of Wyoming.

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 Capital 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 May 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11321 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1734-000]

John R. Burton; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 12, 1982, John R. Burton filed an application pursuant to section 305(b) of the Federal Power Act to hold the following position:

Secretary, Appalachian Power Company
Secretary, Beech Bottom Power Company, Inc.
Secretary, Columbus and Southern Ohio Electric Company
Secretary, Central Operating Company
Secretary, Indiana & Michigan Electric Company
Secretary and Director, Kanawha Valley Power Company
Secretary, Kentucky Power Company
Secretary, Kingsport Power Company
Secretary and Director, Michigan Power Company
Secretary, Ohio Power Company
Secretary, Wheeling Electric Company

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, NE., 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 May 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11336 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1968-000]

John P. Cagnetta; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, John P. Cagnetta filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Connecticut Light & Power Company
Vice President, Holyoke Water Power Company
Vice President, Western Massachusetts Electric Company
Vice President, Hartford Electric Light Company
Vice President, Holyoke Power & Electric Company
Vice President, Connecticut Yankee Atomic Power Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., 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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11337 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-100-000]

California Portland Cement Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 19, 1982.

On March 29, 1982, California Portland Cement Co., 695 So. Rancho Ave., Colton, California 92324 filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Colton, California. The primary energy source to the facility will be coal. The total electric power production capacity of the facility will be 25 megawatts. Waste heat from two cement kilns will be recovered in waste heat boilers. Steam produced in the boilers, plus steam produced in a separate fluidized bed boiler, will drive two 12.5 megawatt turbine generators. The waste heat boilers will account for approximately 10 megawatts of the electric power production and the fluidized bed boiler will account for approximately 15 megawatts of the electric power production. Design of the facility will be completed in November 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed on or before May 26, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11322 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-138-001, et al.]

Cities Service Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

April 20, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or

mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 5, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
4/5/82	Cities Service Gas Co.	RP81-138-001	Report.
4/5/82	Southern Natural Gas Co.	RP81-105-013	LFUT Report.
4/6/82	Panhandle Eastern Pipeline Co.	RP81-119-003	LFUT Report.
4/6/82	Panhandle Eastern Pipeline Co.	RP81-119-004	LFUT Report.
4/6/82	Trunkline Gas Co.	RP81-118-002	LFUT Report.
4/12/82	National Fuel Gas Supply Corp.	RP80-135-017	Report.

[FR Doc. 82-11323 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP81-58-000 and CP81-159-000]

Colorado Interstate Gas Co.; Consolidating Proceedings for Hearing

April 21, 1982.

By order issued April 12, 1982, the Commission issued an order prescribing a hearing and granting petitions to intervene in Docket No. CP81-58-000. The application includes a proposal involving the implementation of an assignment of gas processing rights in the Desert Springs Field, Wyoming.

In Docket No. CP81-58-000, Colorado Interstate Gas Company further proposes to construct and operate facilities at its Desert Springs Field Compressor Station, Sweetwater County, Wyoming, in order to transport natural gas to a natural gas liquid extraction plant to be owned and operated by Champlin Petroleum Company.

In Docket No. CP81-159-000, Colorado Interstate Gas Company requests authorization to install and operate an additional 800 h.p. compressor unit at its Desert Springs Compressor Station, Sweetwater County, Wyoming.

It is found that the issues in Docket No. CP81-58-000 are sufficiently interrelated with those in Docket No. CP81-159-000 that they should be consolidated for hearing and decision.

This action is taken pursuant to authority delegated by the Commission in § 375.302 of Chapter I, Title 18 CFR.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11324 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP72-122 (PGA78-3); Docket Nos. ST79-6, ST80-4 and CP80-15]

Colorado Interstate Gas Co. and Nueces Co.; Settlement Conference

April 19, 1982.

Take notice that a settlement conference in the above-captioned dockets will be convened at 1:30 p.m., on April 29, 1982, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11325 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. Id-1846-004]

William G. Counsil; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, William G. Counsil filed an application prusuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Connecticut Light and Power Company
Senior Vice President, Hartford Electric Light Company
Senior Vice President, Western Massachusetts Electric Company
Senior Vice President, Holyoke Water Power Company
Senior Vice President, Holyoke Power and Electric Company
Senior Vice President and Director, Connecticut Yankee Atomic Power Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commision, 825 North Capitol Street, NE., 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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11338 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-450-000]

Detroit Edison Co.; Filing

April 20, 1982.

The filing Company submits the following:

Take notice that Detroit Edison Company (Detroit Edison) on April 12, 1982, tendered for filing Amendment No. 5 to the Operating Agreement dated March 1, 1966 among Consumers Power Company, Detroit Edison and the Toledo Edison Company (hereinafter referred to as "the 1966 Operating Agreement").

Amendment No. 5 makes certain modifications to Service Schedule C of the 1966 Operating Agreement. Specific provisions are being added to allow the parties to participate in Economy Energy transactions involving systems not a party to the 1966 Operating Agreement and to allow the parties to participate in Non-Displacement transactions involving systems not a party to said agreement. The rates to be used in multiple party Economy Energy transactions provide a sharing of the benefits realized by the transactions among all of the participants and are the same rates as those in effect for the same type of transaction under the Operating Agreement among Consumers Power Company, the Detroit Edison Company and Indiana & Michigan Electric Company, which was filed with the FERC in March, 1977 in Docket No. ER77-239. The rate to be used in a multiple party Non-Displacement Energy transaction is the same rate as is in effect for emergency power transactions with multiple parties under the Operating Agreement among Consumers Power Company, Detroit Edison and Indiana & Michigan Electric Company filed with the FERC in April, 1981 in Docket No. ER81-368-000.

Detroit Edison requests an effective date of April 1, 1982, and therefore requests waiver of the Commission's notice requirements.

According to Detroit Edison copies of this filing were served on Consumers

Power Company, Toledo Edison Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11326 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-451-000]

Edison Sault Electric Co.; Filing

April 20, 1982.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison) on April 12, 1982, tendered for filing a Supplemental Agreement No. 6 between Edison and Upper Peninsula Power Company (Upper Peninsula), dated February 15, 1982, which agreement will supplement an existing Contract for Electric Service, dated September 10, 1976, between the same two parties. The contract between the parties, dated September 10, 1976, and designated as FPC Rate Schedule No. 7 (Docket No. ER77-98) proposed supplemental agreement, effective June 1, 1982, provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under Section 6.

Copies of the filing were served upon Upper Peninsula Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11327 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1897-002]

E. James Ferland; Filing

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, E. James Ferland filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Maine Yankee Atomic Power Company
Director, Vermont Yankee Nuclear Power Corporation
Director, Yankee Atomic Electric Company
Director, Connecticut Yankee Atomic Power Company

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11339 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1820-000]

Fred D. Hafer; Application

April 21, 1982

Take notice that on April 14, 1982, Fred D. Hafer filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President and Director, Metropolitan Edison Company
Vice President and Director, Pennsylvania Electric Company
Director, Jersey Central Power & Light Company

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, NE., 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 May 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-11353 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-449-000]

Kansas Power & Light Co.; Filing

April 20, 1982.

The filing Company submits the following:

Take notice that on April 9, 1982, the Kansas Power and Light Company (KCPL) tendered for filing a newly executed contract with the City of Lindsborg, Kansas for wholesale service to that community with the proposed effective date of June 14, 1982. KCPL states that this contract permits the city of Lindsborg to receive service under rate schedule WSM-81 which succeeds their current rate schedule WTU-81 designated supplement 7 to R.S. FERC No. 199. The proposed changes would increase revenues from sales by $6,695.27 based on the projected 12 month period ending May 31, 1983.

Copies of the filing have been mailed to the City of Lindsborg and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11328 Filed 4-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM81-33-000]

Montaup Electric Co.; Order Denying Rehearing

Issued: April 21, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying rehearing.

SUMMARY: The Federal Energy Regulatory Commission denies Montaup Electric Company's application for rehearing of the Commission's order denying an application by Montaup for amendment of § 2.16 of the Commission's regulations to permit Montaup to receive construction work in progress (CWIP) in rate base. As a matter of general policy, such SWIP relief is more appropriately and expeditiously considered in the context of the Commission's generic rulemaking, Docket No. RM81-38.

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

On June 10 and September 8, 1981, Montaup Electric Company (Montaup) filed petitions for a rulemaking which would amend §2.16 of the Commission's regulations to permit any electric utility which renders only wholesale electric service to include construction work in progress (CWIP) in its rate base. On November 12, 1981, the Commission issued an Order Denying Petition for Rulemaking and Terminating Docket, in which the Commission stated that "the issues raised by Montaup in its petition would be more appropriately and expeditiously considered in the context of the Commission's ongoing rulemaking designed to re-evaluate the Commission's CWIP policy on generic basis in Docket No. RM-81-38." On December 14, 1981, Montaup filed a timely application for rehearing of the Commission's Order. That application was granted by the Commission on January 13, 1982 solely for the purpose of further consideration.

The request by Montaup for rehearing is based on the contention that the immediate financial needs of the company require rate relief in the form of CWIP in rate base in order to avoid "devastating financial consequences for Montaup in its efforts to meet the future needs of its customers." Although the rates of Montaup are entirely within the Commission's jurisdiction, the claim of financial distress extends also to the company's parent, Eastern Edison Company. Montaup's petition and its application for rehearing identify as the source of the company's financial need a construction program which will soon exceed, by a widening margin, Montaup's net plant in service, resulting in diminishing internal cash generation for capital improvements and plummeting bond ratings. Montaup contends that the Commission's existing CWIP policy in § 2.16 of its regulations is vague and cites to the fact that the Commission has not afforded any company CWIP in rate base based on the company's financial distress. In addition, Montaup argues that the generic rulemaking in Docket No. RM81-38 will not be completed in sufficient time to provide financial assistance to Montaup in 1982

The Commission has given due consideration to the arguments presented in Montaup's petitions and application for rehearing. As the Commission stated in its Order of November 12, 1981, "the issues raised by Montaup in its petitions would be more appropriately and expeditiously considered in the context of the Commission's ongoing rulemaking designed to re-evaluate the Commission's CWIP policy on a generic basis, in Docket No. RM81-38." The Commission continues to believe that the general policy issues presented by Montaup are subsumed in the gneric CWIP proceedings. Accordingly, the application of Montaup Electric Company for rehearing of the Order Denying Petition for Rulemaking is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11360 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-270-000]

Mountain Fuel Supply Co.; Application

April 21, 1982.

Take notice that on April 1, 1982, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP82-270-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to modify Applicant's Kanda Compressor Station in Sweetwater County, Wyoming, in order to provide compression service for Colorado Interstate Gas Company (CIG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to modify its existing Kanda Compressor Station to a new alignment which would enable Applicant to deliver gas from its transmission system to either the CIG system or Wyoming Interstate Company, Ltd.'s (WIC) segment of the Trailblazer Pipeline System. Furthermore, Applicant proposes to designate one of the existing four compressors at Kanda Station for CIG's use at its discretion in off-loading natural gas from its system to the WIC segment. Applicant avers that certain appurtenant facilities would be required including valves, metering equipment, flow control equipment, piping and those facilities necessary to restate all existing compressors.

It is submitted that under the new alignment at Kanda Station only one compressor would initially be dedicated to CIG's use in off-loading its own system gas supply to the WIC segment of Trailblazer. However, Applicant explains that if required it has agreed to use fully all available capacity for this purpose before any physical expansion would be considered necessary.

Applicant avers that on December 29, 1980, CIG filed an application with the Commission in Docket No. CP81-119-000 requesting authorization to construct and operate a new compressor station, Sweetwater Station, which would be located adjacent to Applicant's Kanda Station in Sweetwater County, Wyoming. It is explained that as proposed the Sweetwater Station would include two 1,500 horsepower reciprocating compressor units and would be used to compress approximately 75,000 Mcf of natural gas per day from CIG's existing 24-inch pipeline into the WIC segment of the Trailblazer system.

Applicant asserts that pursuant to an agreement with CIG the instant proposal would replace the function of CIG's proposed Sweetwater Compressor Station. Applicant states that in its application CIG projected that its

existing Wyoming main line would not have sufficient capacity to accommodate available gas supplies in the 1982–1983 winter season. Applicant submits that to render adequate and timely service to its customers CIG proposed to place the facilities in service in September 1982 at an estimated cost of $6,486,000. It is averred that by comparison the total estimated cost excluding application fees for the modification proposed herein is $845,716. Applicant states that such cost would be financed from funds on hand and/or short-term borrowing.

Applicant proposes to use, as necessary, the existing compression facilities at Kanda Station to provide compression service for CIG on a first priority and as-required basis. It is stated that such service would be furnished subject only to physical limitation of Applicant's compression equipment, Applicant's requirement to provide reliable service to its firm transmission system customers, and CIG's nominated volumetric limits.

Applicant states that upon completion of the proposed Kanda Station Applicant would designate one of the Saturn compressors for CIG's use in off-loading its system to the WIC segment of the Trailblazer system. Applicant explains that CIG would have operational control of that Saturn compressor. Applicant asserts that CIG would own, operate and maintain any necessary control, measurement and telemetry facilities at Kanda Station required to provide it with set point and flow path control of the compressor unit or units committed to its use. Applicant avers that all the other facilities at Kanda Station would be owned by Applicant. Applicant asserts that although it would consult with CIG the maintenance of all compressor units and the location of all facilities at the Kanda Station site would be the responsibility of Applicant.

Applicant proposes to collect an initial charge of 5.0 cents per Mcf for compression at the Kanda Station subject to refund with interest to the extent lower applicable rates are established by a final nonappealable Commission order approving or prescribing an overall system transportation rate in Docket No. CP80–274 or other appropriate Commission proceeding, which ever is earlier. It is averred that the 5.0 cents charge is currently being applied to natural gas redelivered to CIG under Applicant's Rate Schedule X–6 and was found to be just and reasonable by Commission order dated February 12, 1979, in Docket No. CP75–37.

Applicant states that CIG has indicated that it is willing to accept compression service through Kanda Station in lieu of constructing its own compression facilities at the proposed Sweetwater Station.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 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. 82–11354 Filed 4–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6123]

North Valley Baptist Church; Exemption From Licensing

April 20, 1982.

A notice of exemption from licensing of a small hydroelectric project known as Viola Church Camp Project No. 6123, was filed on March 22, 1982, by North Valley Baptist Church. The proposed hydroelectric project would have an installed capacity of 50 kW and would be located on Armstrong Ditch off of Bailey Creek, Shasta County, California.

Pursuant to § 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of April 19, 1982.

Robert E. Cackowski,

Acting Director, Office of Electric Power Regulation.

[FR Doc. 82–11356 Filed 4–23–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RA82–17–000]

Oklahoma Refining Co.; Filing of Petition for Review

April 19, 1982.

Take notice that Oklahoma Refining Company on April 14, 1982 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before May 4, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before May 4, 1982, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room

1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11329 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1972-001]

John F. Opeka; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, John F. Opeka filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Connecticut Light and Power Company
Vice President, Western Massachusetts Electric Company
Vice President, Hartford Electric Light Company
Vice President, Connecticut Yankee Atomic Power Company

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, NE., 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 May 17, 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. 82-11340 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2003-000]

Walter O. Prelle; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, Walter O. Prelle filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Connecticut Light and Power Company
Vice President, Holyoke Water Power Company
Vice President, Western Massachusetts Electric Company
Vice President, Hartford Electric Light Company
Vice President, Holyoke Power and Electric Company

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, NE., 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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11341 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-446-000]

Public Service Company of New Hampshire; Filing

April 19, 1982.

The filing Company submits the following:

Take notice that on April 8, 1982, Public Service Company of New Hampshire (PSNH) tendered for filing revised sheets to its non-firm transmission tariff which is the subject of a proceeding in Docket No. ER82-141-000. The revisions (1) provide for daily and weekly rate options in addition to the monthly rate filed in that docket and (2) extend a joint rate to non-NEPOOL members.

PSNH requests waiver of the 60-day notice requirements so that these revisions can be made effective as of February 7, 1982. The weekly and daily options would reduce revenues to the Company. PSNH requests that the revisions be made subject to refund pending the outcome of Docket No. ER82-141-000.

According to PSNH copies of the filing have been served on the affected customers and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intevene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11330 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-448-000]

Puget Sound Power & Light Co.; Filing

April 20, 1982.

The filing Company submits the following:

Take notice that Puget Sound Power & Light Company (Puget Sound) tendered for filing on April 8, 1982, Appendix 1 to Residential Purchase and Sale Agreement between Puget Sound and Bonneville Power Administration.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11331 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1809-003]

Herbert W. Sears; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, Herbert W. Sears filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and Director, Connecticut Light and Power Company
Senior Vice President and Director, Hartford Electric Light Company
Senior Vice President and Director, Western Massachusetts Electric Company
Senior Vice President and Director, Holyoke Water Power Company
Senior Vice President and Director, Holyoke Power and Electric Company
Director, Connecticut Yankee Atomic Power Company

Any person desiring to be heard or to protest said application should file a petition to interevene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11342 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2002-000]

John J. Smith; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, John J. Smith filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Connecticut Light and Power Company
Vice President, Hartford Electric Light Company

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, NE., 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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11343 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-16-000]

Southern Union Gathering Co.; Application for an Increased Gathering Allowance

April 20, 1982.

On April 5, 1982, Southern Union Gathering Company (Gathering Company) filed an application pursuant to section 4 of the Natural Gas Act, 15 U.S.C. 717-717w, as amended (Supp. IV 1980) and sections 104, 110, and 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. IV 1980), for an increased gathering allowance for first sales of gas in the San Juan Basin located in northwestern New Mexico, all as more fully set forth below.

Gathering Company is currently permitted to collect a gathering charge of 21.4715 cents per Mcf as authorized by the Presiding Officer in an interim relief order issued November 18, 1981 in docket No. SA81-16. Gathering Company seeks to increase its gathering charge allowance to 32.00 cents per MMBtu based upon an alleged cost of service developed in accordance with pipeline ratemaking principles and supported by Statements L, M, N, and O, as prescribed for certain interstate pipelines by § 154.63 of the Commission's regulations. Gathering Company is not an interstate pipeline.

Gathering Company first, files a notice of rate change pursuant to section 4 of the Natural Gas Act, second, applies for an increased gathering allowance pursuant to section 110 of the NGPA, third, petitions for an order prescribing a higher just and reasonable rate pursuant to section 104(b)(2) of the NPGA, and fourth, applies for a staff adjustment pursuant to section 502(c) of the NGPA. During the period January 1, 1981 through December 31, 1981, Gathering Company allegedly suffered an out-of-pocket loss of $2,612,145. Gathering Company claims that the proposed increase in its gathering allowance would remedy this out-of-pocket loss situation and permit Gathering Company to recover its current cash expenses, depreciation, and a reasonable return on its investment.

Gathering Company also requests that interim relief be granted, effective as of the date of filing, due to the irreparable harm allegedly caused by Gathering Company's out-of-pocket loss together with the hardship and inequity allegedly worked upon Gathering Company because other gatherers in the area are allowed to collect their costs of operation. In addition, Gathering Company requests a conference with the Staff, pursuant to § 1.41(k) of the Commission's Rules of Practice and Procedure, regarding the proposed rate relief and the factual and legal bases for such relief.

Any person desiring to be heard or to make any protest with reference to said application should, by May 11, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, 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. 82-11332 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-447-000]

Tampa Electric Co.; Proposed Cancellation

April 19, 1982.

The filing Company submits the following:

Take notice that Tampa Electric Company (Tampa Electric), on April 9, 1982, submitted a notice of cancellation of Rate Schedule FPC No. 5, which provides for firm power sales by Tampa Electric to Seminole Electric Cooperative, Inc. (Seminole).

Tampa Electric states that Seminole no longer purchases power from Tampa Electric, and that the rate schedule is obsolete. Tampa Electric proposes that the cancellation be made effective as of March 1, 1982.

A copy of the notice of cancellation has been served on Seminole.

Any person desiring to be heard or to protest said proposed cancellation should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

20426, in accordance with §§ 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 May 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11333 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-43-002]

Trunkline Gas Co., Petition To Amend

April 21, 1982.

Take notice that on March 30, 1982, Trunkline Gas Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP78-43-002 a petition to amend the order issued April 17, 1978, in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from an additional point of receipt for Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued April 17, 1978, it was authorized to receive Panhandle's gas at the point of production which is "A" platform located in Eugene Island Block 380, offshore Louisiana. Petitioner proposes herein pursuant to an amendment to the gas transportation agreement dated March 15, 1982, to add a new point of receipt in its transportation service for Panhandle which would enable Petitioner to receive deliveries of Panhandle's gas which is produced from platform "B" located in Eugene Island Block 380. It is asserted that to accommodate Panhandle's additional volumes Petitioner would increase the firm monthly volumes of gas to be transported from 10,000 Mcf per day to 18,000 Mcf per day. Petitioner submits that it would utilize a portion of its transportation capacity in the Tarpon Transmission Company (Tarpon) system and its own facilities to transport Panhandle's gas.

Petitioner states that no additional facilities are required to effectuate the transportation of natural gas proposed herein.

It is asserted that Petitioner would pay Tarpon the unit rate established in the proceeding in Docket No. CP82-6 with respect to the portion of the transportation from the T-27 offshore platform a monthly charge of $177,480, and with respect to the 8,000 Mcf of gas which would be transported through Petitioner's offshore lateral which connects the "B" platform to Tarpon's facilities a monthly charge of $7,600.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 13, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11352 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-211-001]

Utah Power and Light Co.; Compliance Filing

April 19, 1982.

The filing Company submits the following:

Take notice that on April 8, 1982, Utah Power & Light Company filed revised rates and supporting cost data in compliance with the Commission's order issued March 10, 1982.

Any person desiring to be heard or protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 4, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11344 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-68-000]

Washington Water Power Co.; Filing

April 19, 1982.

Take notice that on April 9, 1982, The Washington Water Power Company (Washington) tendered for filing copies of an Electric Service Agreement with Pacific Power & Light Company (Pacific) providing for the sale of specified amounts of power and energy by Washington to Pacific for its Bonner County, Idaho electric distribution system.

Under an Agreement dated July 9, 1974, Washington has heretofore sold power and energy to Pacific on a wholesale basis for its isolated Bonner County system. This Agreement expired under its own terms on January 1, 1982, and Washington gave notice of termination of service effective January 1, 1982. Pacific and the Idaho Public Utilities Commission filed objections to the termination of service.

The Electric Service Agreement constitutes a settlement of the issues raised by Pacific and the Idaho Public Utilities Commission and Washington has withdrawn its notice of termination.

The Electric Service Agreement provides that Washington sell to Pacific specified amounts of power and energy for a 4-year period beginning January 1, 1982, and ending December 31, 1985. In the first calendar year of this Agreement, Washington will sell to Pacific substantially all the power and energy required by the Bonner County system. In each of the succeeding calendar years, Washington will sell Pacific successively lesser amounts of power and energy as specified in the Agreement. Beginning January 1, 1986, Washington will have no further responsibility for providing the power and energy required by Pacific for this system.

The rate schedule for power and energy provided by Washington, points of delivery, character of service, and arrangements for metering are to be substantially the same as in the prior agreement.

Under a related, separately-filed agreement, Washington will transfer power and energy for Pacific from its inter-connection with Pacific near Lewiston, Idaho, (Lolo) to the Bonner County system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.18 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 May 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11345 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1975-001]

Richard P. Werner; Application

April 21, 1982.

The filing individual submits the following:

Take notice that on April 13, 1982, Richard P. Werner filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Connecticut Light and Power Company
Vice President, Holyoke Water Power Company
Vice President, Western Massachusetts Electric Company
Vice President, Hartford Electric Light Company
Vice President, Holyoke Power and Electric Company
Vice President, Connecticut Yankee Atomic Power Company

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, NE., 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 May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11346 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-106-000]

Wind Energy Systems of Texas, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 19, 1982.

On April 5, 1982 Wind Energy Systems of Texas, Inc. located at Rt. #7, Box 760, Lubbock, Texas 79401 filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 25 megawatt wind installation located in Lubbock County, Texas. There are no other such facilities located at the same site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed by May 26, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-11347 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-455-000]

Wisconsin Power and Light Co.; Filing

April 20, 1982.

The filing Company submits the following:

Take notice that on April 13, 1982, Wisconsin Power and Light Company (WP&L) tendered for filing a new Wholesale Power Agreement dated September 25, 1981 between the Rock County Electric Cooperative Association and WP&L. WP&L states that this is a revised Agreement which supersedes the agreement which is currently on file with the Commission dated January 1, 1977 which was previously designated FPC Rate Schedule 119.

WP&L requests an effective date of September 25, 1981, and therefore requests waiver of the Commission's notice requirements.

According to WP&L a copy of the filing was sent to the Rock County Electric Cooperative Association and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 May 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-11348 Filed 4-23-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of April 2 Through April 9, 1982

During the week of April 2 through April 9, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as precribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 19, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Apr. 2 through Apr. 9, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 5, 1982	Growmark, Inc., Washington, D.C	HRD-0044	Motion for discovery. If granted: Discovery would be granted to Growmark, Inc. in connection with the Statement of Objections it submitted to a Proposed Remedial Order issued to Marathon Oil Company by the Office of Special Counsel (Case No. HRO-0024).
Apr. 5, 1982	Landmark, Inc., Columbus, Ohio	HRD-0042	Motion for discovery. If granted: Discovery would be granted to Landmark, Inc. in connection with the Statement of Objections it submitted to a Proposed Remedial Order issued to Marathon Oil Company by the Office of Special Counsel (Case No. HRO-0024).
Apr. 5, 1982	Marathon Oil Company, Findlay, Ohio	HRD-0043, and HRH-0043	Request for evidentiary hearing and motion for discovery. If granted: Discovery would be granted to Marathon Oil Company and an evidentiary hearing would be convened in connection with the Statement of Objections it submitted to a Proposed Remedial Order issued by the Office of Special Counsel (Case No. HRO-0024).
Apr. 5, 1982	Township Oil Company, Washington, D.C	HRD-0045	Motion for discovery. If granted: Discovery would be granted to Township Oil Company in connection with the Statement of Objections it submitted to a Proposed Remedial Order issued to Marathon Oil Company by the Office of Special Counsel (Case No. HRO-0024).
Apr. 6, 1982	Marathon Oil Company, Findlay, Ohio	HRX-0021	Supplemental order. If granted: The Office of Hearings and Appeals would rescind portions of a discovery order which relate to Marathon Oil Company's treatment of interaffiliate transfers as first sales.
Apr. 6, 1982	Union Carbide Caribe, Inc., Washington, D.C	HEE-0022	Exception from the entitlements program. If granted: Union Carbide Caribe, Inc. would receive an exception from the provisions of 10 C.F.R. § 211.67, the Puerto Rican Naphtha Entitlements Program, which would modify its entitlements purchase obligations.
Apr. 7, 1982	Economic Regulatory Administration, Washington, D.C	HRD-0046	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections of Marathon Oil Company to a Proposed Remedial Order issued to it (Case No. HRO-0025).
Apr. 7, 1982	Energy Cooperatives, Inc., Chicago, Illinois	HEE-0023	Exception from the entitlements program. If granted: Energy Cooperatives, Inc. would receive an exception from the provisions of 10 C.F.R. § 211.67, which would eliminate any possible future entitlements purchase obligations.
Apr. 9, 1982	Laketon Asphalt Refining Company, Washington, D.C	HED-0047	Motion for discovery. If granted: Discovery would be granted to Laketon Asphalt Refining Company in connection with the firm's Motion for Reconsideration (Case No. HYR-0023) regarding entitlements purchase obligations.

[FR Doc. 82-11290 Filed 4-23-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of January 18 Through January 22, 1982

During the week of January 18 through January 22, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Powerine Oil Company, 1/20/82, BFA-0747

On September 21, 1981, Powerine Oil Company filed an Appeal from a determination that had been issued to the firm pursuant to the Freedom of Information Act by the San Francisco Regional Counsel of the Department of Energy. In that determination, the Regional Counsel withheld certain material responsive to the firm's request for information on the ground that the material withheld falls variously within Exemptions 2, 4, 5, 7(A), and 7(D) of the Act. In considering the Appeal, the Department of Energy found that with regard to most of the material withheld pursuant to Exemptions 5 or 7(A), the Regional Counsel had provided adequate and correct explanations regarding why the material falls within the exemption claimed. However, with regard to other material withheld as falling within Exemptions 2, 4, 7(A), or 7(D), the Department found that Regional Counsel had failed to provide adequate explanations regarding why the material falls within the exemption claimed. Accordingly, the matter was remanded to the Regional Counsel for further action.

Professional Analysts, 1/22/82, HFA-0023

Professional Analysts filed an Appeal from a denial by the Freedom of Information Officer of the DOE Bonneville Power Administration (BPA) of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that BPA did not adequately justify its application of Exemption 4 to the withheld material and ordered that upon remand the BPA either release the requested information or issue a proper determination in accordance with 10 CFR 1004.7 and the principles set forth in the Decision and Order.

Joseph E. St. Sauver, 1/22/82, HFA-0024

Joseph E. St. Sauver filed an Appeal from a denial by the Director of Freedom of Information and Privacy Acts Activities (FOI Director) of a request for a waiver of search and document access fees in connection with a Request for Information which Mr. St. Sauver had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the FOI Director had acted correctly in denying Mr. St. Sauver's request for a waiver of fees. Important issues which were discussed in the Decision and Order were the potential of the information for benefiting the general public and whether releasing the material to Mr. St. Sauver would be likely to result in benefits actually being received by the general public.

Petitions For Special Redress

Foremost Petroleum Company; M&A Petroleum Company; 1/19/82, HEG-0005, HEG-0006

Foremost Petroleum Company and M&A Petroleum Company filed requests for withdrawal of Special Report Orders (SROs). The SROs require the two firms to provide the Office of Hearings and Appeals with information regarding their motor gasoline and No. 2 heating oil sales and customers during the period March 6 through November 30, 1973. That information was requested in

order to determine the appropriate customers to receive refunds of overcharges. The overcharges resulted from a scheme to sell motor gasoline and heating oil at unlawful prices in which Foremost, M&A, and Conoco, Inc., participated. In their requests for withdrawal of the SROs, Foremost and M&A stated that they should not be required to provide the information in question because there was no formal finding that they passed through the overcharges to their customers. The DOE disagreed, finding that no determination had yet been made with respect to the pass-through issue. The DOE concluded that a fact-finding process was necessary in order to establish whether any of the firms' customers were overcharged, and if so, the magnitude of any refunds those customers should receive.

The DOE also rejected the firms' claim that they were unable to provide information regarding their customers because they possessed no data from the relevant period. In this regard, the DOE pointed out that the firms should be able to supply relevant information regarding their customers from the most recent period for which such information is available. The DOE therefore denied the firms' request that the SROs be withdrawn.

Requests for Modification and/or Rescission

Office of Enforcement/Alcatraz Mobil Service; 1/20/82, HRR-0008

On October 6, 1981, the Office of Enforcement (now the Office of Special Counsel) (OSC) filed a Motion for Modification of a Remedial Order that was issued to Alcatraz Mobil Service by the DOE on August 17, 1981. *Alcatraz Mobil Service*, No. BRO-09-0143 (August 17, 1981) (unpublished decision). In the Remedial Order, the firm was found to have overcharged its retail customers and was therefore ordered to refund the overcharges, plus interest, into the United States Treasury. In its Motion, the OSC requested that the Remedial Order be modified to reflect the current DOE policy with respect to interest on overcharges received by motor gasoline retailers. In denying the Motion, the DOE determined that modification of a final Remedial Order in the manner requested by the OSC unfairly deprived the firm of the opportunity to be informed of the full extent of its potential liability at a reasonably early stage of the enforcement proceeding. Accordingly, OSC's motion was denied.

Office of Enforcement/Sheldon Hanson, d.b.a H&B Texaco and Broadstreet Texaco, 1/20/82, HRR-0011

On October 13, 1981, the Office of Enforcement (now the Office of Special Counsel) (OSC) filed a Motion for Modification of a Remedial Order that was issued to Sheldon Hanson, d.b.a. H&B Texaco and Broadstreet Texaco by the DOE on September 18, 1981. *Sheldon Hanson, d.b.a. H&B Texaco and Broadstreet Texaco*, No. BRO-06-2231 (September 18, 1981) (unpublished decision). In the Remedial Order, Hanson was found to have overcharged his retail customers and was therefore ordered to refund the overcharges, plus interest, into the United States Treasury. In its Motion, the OSC requested that the Remedial Order be modified to reflect the current DOE policy with respect to interest on overcharges received by motor gasoline retailers. In denying the Motion, the DOE determined that modification of the final Remedial Order in the manner requested by the OSC unfairly deprived Hanson of the opportunity to be informed of the full extent of his potential liability at a reasonably early stage of the enforcement proceeding. Accordingly, OSC's motion was denied.

Request for Exception

Texas Crude, Inc., 1/19/82, BEE-1702

Texas Crude, Inc. filed an Application for Exception from its obligation to prepare and submit to the DOE Part II, Schedule 2 of Form EIA-23. In considering the request, the DOE found that Texas Crude, Inc. had failed to demonstrate how the filing requirement imposed a gross inequity or unique regulatory burden upon the firm. Accordingly, exception relief was denied.

Motion for Discovery

Office of Special Counsel for Compliance, 1/21/82, HARD-0003

The Office of Special Counsel for Compliance (OSC) filed a Motion for Discovery directed toward Gulf Oil Corporation relating to Gulf's objections to a Proposed Remedial Order (PRO) that was issued to the firm on May 1, 1979. In the motion, the OSC sought discovery concerning Gulf's "corporate state of mind" in applying the DOE Mandatory Petroleum Price Regulations and antecedent regulations governing the first sale price of domestic crude oil. The DOE determined that the material sought by the OSC motion was relevant, because Gulf had placed its corporate state of mind into issue by indicating it would raise affirmative defenses to the PRO. Accordingly, the OSC Motion for Discovery was granted.

Supplemental Order

Bob Heinz d/b/a Granada Chevron, 1/19/82, HRX-0009

The Economic Regulatory Administration of the Department of Energy (ERA) informed the Office of Hearings and Appeals of the existence of a Consent Order previously entered into by the ERA and Bob Heinz d/b/a Granada Chevron (Heinz). In light of this information, the Office of Hearings and Appeals determined that a Remedial Order issued to Heinz on December 8, 1981 should be rescinded.

Dismissals

The following submissions were dismissed without prejudice:

Company Name and Case No.
Atlantic Richfield Company, HRO-0001
John P. Jennings, DEE-2208
Power Test Petroleum Distributors, Inc., BEG-0056.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 19, 1982.

[FR Doc. 82-11288 Filed 4-23-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of February 8 Through February 12, 1982

During the week of February 8 through February 12, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Collier, Shannon, Rill & Scott, 2/8/82, HFA-0026

Collier, Shannon, Rill & Scott filed an Appeal from a partial denial by the Office of Special Counsel of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain drafts and evaluations of proposed interpretations which were initially withheld under Exemption 5 were properly withheld in their entirety because they were part of the agency's deliberative and consultative process. The DOE also found that a further search for documents should be conducted in light of the DOE's response to a discovery request regarding the same information in a recent remedial order proceeding.

National Roofing Company, 2/9/82, HFA-0028

National Roofing Company filed an Appeal from a partial denial by the DOE Albuquerque Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that portions of the document which was initially withheld under Exemption 4 should be released to the public. An important issue that was considered in the Decision and Order was the releasability of a firm's cost proposal after that firm has been selected to receive the government contract.

Planning Research Corporation, 2/9/82, HFA-0027

Planning Research Corporation (PRC) filed an Appeal from a partial denial issued by the Director of Contract Operations Division "A" of the Office of Procurement Operations in regard to a request for information which PRC had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Director's rationale

for withholding certain portions of the Selection Statement made in connection with the award of a contract was too vague. The DOE therefore determined that the request be remanded to the Director with instructions to either release the information involved, or to specify how release of the statement would cause substantial competitive harm to the proposers, or impair the government's ability to obtain such information in the future.

Remedial Order

Office of Enforcement Johnny Cappo Auto Center, 2/12/82, HRW-0003; HRR-0015

The Department of Energy's Office of Enforcement of the Economic Regulatory Administration (ERA) filed a Motion for Modification of a Proposed Remedial Order (PRO) issued to Johnny Cappo Auto Center, a motor gasoline retailer. The ERA requested that the OHA modify the provisions of the PRO to require that overcharges plus interest be refunded by a payment to the United States Treasury, rather than by a reduction in pump prices, as specified in the PRO. Although the record reflects that ERA served the firm with both the PRO and the Motion for Modification, no aggrieved party filed a Notice of Objection or Statement of Objections with the Office of Hearings and Appeals. In considering OE's Motion for Modification, the OHA determined that a procedure to identify overcharged customers would be infeasible. The OHA therefore concluded that it would be proper to require Johnny Cappo to pay to the Treasury of the United States the overcharges plus interest. In addition, the OHA determined that the interest provisions of the PRO should be modified to conform to ERA's current policy with regard to small gasoline retailers.

Motion for Modificationa and/or Rescission

Bonneville Power Administration, 2/12/82, HER-0021

The Bonneville Power Administration filed a Motion for Reconsideration of a portion of a Decision and Order issued by the DOE in *Sunbelt Energy Systems, Inc.*, 9 DOE ¶ 80,112 (1981). In its Motion, the BPA contended that the DOE had erroneously ordered the release of a privileged intra-agency document in the *Sunbelt* Decision. In considering the BPA Motion, the DOE found that one document had mistakenly been included in a category of documents found to be releasable. Accordingly, the agency performed a review de novo of the disclosure status of that document, and found it to be a predecisonal Cost Evaluation Committee document and therefore exempt from mandatory disclosure pursuant to 5 U.S.C. ¶ 552(b)(5). It was also determined that release of the document would not be in the public interest.

Request for Exception

Pioneer Refining, Inc., 2/10/82, BEE-1634

Pioneer Refining, Inc. filed an Application for Exception from the provisions of 10 CFR § 211.67 in which the firm sought entitlements for the increased crude oil for inventory necessary to oprate its expanded refinery. In considering the request, the DOE found that the provisions of the Entitlements Program, when applied to the volumes of crude oil purchased for the firm's expanded inventory, resulted in a gross inequity to the firm. Accordinly, the DOE granted entitlements exception relief in the amount of $228,347.

Request for Temporary Exception

Charter Oil Company, 2/8/82, HEL-0007

Charter Oil Company filed an Application for Temporary Exception from the provisions that forbid it to file amended entitlements reports (Form ERA-49) for April and May of 1980 (10 CFR § 211.69). In considering the Application, the DOE determined that Charter had failed to meet any of the criteria for temporary exception relief. The temporary exception request was therefore denied.

Motion for Discovery

Southland Royalty Company, 2/6/82, HRD-0017

Southland Royalty Company filed a Motion for Discovery directed toward the Gulf Oil Corporation in connection with the objections filed by both firms to a Proposed Remedial Order issued to Gulf on May 1, 1979, by the Office of Special Counsel for Compliance (OSC). In considering the motion, the DOE first rejected the contentions of Gulf and OSC that the motion was not filed in a timely manner. The DOE found that Southland properly filed its Motion for Discovery concurrently with its Response to Gulf's Statement of Factual Objections (SFO) to the PRO and the motion related solely to assertions Gulf made for the first time in its SFO. The DOE found that the Southland and Gulf SFOs and related pleadings indicated that the only area of factual dispute concerned the issue of Gulf's historic accounting methods. Consequently, the Southland discovery requests relating to the issue of Gulf's historic accounting methods were granted and all other discovery requests were denied. Accordingly, the Southland motion was granted in part.

Interlocutory Orders

Office of Special Counsel, 2/12/82, HRZ-0017

In *Office of Special Counsel*, 9 DOE ¶ 84,013 (1982), the Office of Hearings and Appeals granted in substantial part a motion for discovery in which the Office of Special Counsel sought interrogatory responses and document production from the Louisiana Land and Exploration Company. The OHA had directed the parties to reach an agreement respecting the precise scope of discovery under the guidelines furnished in its decision. The parties were unable to reach such an agreement. The OHA therefore issued an interlocutory order with specific rulings on each of the OSC discovery requests.

Office of Safeguards and Security; Cladouhos & Brashares; Nieter, Dixon, Whitmore, Myers & Koehlinger, 2/12/82, HEZ-0016

The Director of the DOE's Office of Safeguards and Security (Safeguards Director) filed a Motion for Reconsideration of the Decision and Order in *David Bowman*, 7 DOE ¶ 80,151 (1981), in which we granted Mr. Bowman's Appeal of the Safeguards Director's denial of a request for information which he had filed under the Freedom of Information Act (FOIA). The law firm of Cladouhos & Brasheres also filed an Appeal from the Safeguards Director's denial of its FOIA request for the same document sought by Mr. Bowman. In a third case, the law firm of Nieter, Dixon, Whitmore, Myers & Koehlinger filed an appeal of the Safeguards Director's denial of its FOIA request for a similar document. In considering these cases, the DOE found that either or both of the documents might be withholdable pursuant to Exemption 2, but the records for the cases were inadequate to support a factual finding regarding the documents involved. Accordingly, the DOE directed that a hearing for the purpose of oral argument be convened in connection with the cases.

Dismissals

The following submissions were dismissed without prejudice:

Company Name and Case No.
Mitchell Energy Corp., DRO-0093
Newsday, HFA-0032

Copies of the full test of these decisons and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commerically published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 19, 1982.

[FR Doc. 82-11289 Filed 4-23-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of March 8 Through March 12, 1982

During the week of March 8 through March 12, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Holmes and Narver, Inc., 3/10/82, HFA-0037

Holmes and Narver, Inc. filed an Appeal from a partial denial by the Assistant Manager for Administration of the Albuquerque Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 5 of the FOIA should be released to the public. Specifically, the DOE found that portions of documents generated in the selection of a

contractor from a group of proposals were not deliberative and must be released.

Taylor & Stauffer, 3/8/82, HFA-0034, HFA-0035

Taylor & Stauffer filed Appeals from two partial denials by the Director of the Kansas City Office of the Economic Regulatory Administration (Director) of two Requests for Information that the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeals, the DOE determined that all of the documents that the Director initially withheld pursuant to Exemption 5 were properly withheld. The DOE also found that the Director's determination concerning the applicability of Exemption 4 to two documents was inadequate in that it did not indicate why release of the documents would cause substantial harm to the competitive position of the firms from which the information contained in those documents was obtained. Accordingly, the matter was remanded to the Director for a new determination concerning the releasability of the documents that he initially withheld pursuant to Exemption 4.

Remedial Orders

A-1 Exxon, BRO-1501
Concord Chevron Service, BRO-1520
CP Marketing, BRO-1519
East 14th Auto, BRO-1508
Ed's Auto Service, BRO-1523
Ken Bett's Montclair Chevron, BRO-1521
Miles Union Service, BRO-1468
Pacific Manor Shell, BRO-1546
Pinole Valley Chevron, BRO-1522
Redhill Towing Service, 3/8/82, BRO-1490

A-1 Exxon *et al.* objected to Proposed Remedial Orders that were issued to the firms by the DOE Office of Enforcement. In the Proposed Remedial Orders, the Office of Enforcement found that the objecting firms had charged prices higher than those permitted by 10 CFR 212.93(a)(2). After considering the firms' objections, the DOE determined that the Proposed Remedial Orders should be issued as final Remedial Orders. The DOE also determined that the Proposed Remedial Orders should be modified to require that payment of the overcharges be deposited into the U.S. Treasury. The important issues discussed in the Decision include: (i) whether charging a combined cents-per-gallon price for gasoline and service in excess of the maximum lawful selling price permitted by DOE regulations violates 10 CFR 212.93(a)(2), and (ii) the procedural and substantive validity of 10 CFR 210.62(d)(1).

Russell G. Estes d/b/a Estes Engineering Company, 3/12/82, DRO-0251

Russell G. Estes d/b/a Estes Engineering Company objected to a Proposed Remedial Order that the Southwest Enforcement District of the Economic Regulatory Administration issued to the firm on May 31, 1979. After considering Estes' objections, the DOE found that the firm sold crude oil produced from four of its properties at prices which exceeded the applicable ceiling prices. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) whether crude oil produced from a new reservoir on a property may be sold without regard to the property's BPCL; (ii) whether a well maintains its status as a dual completion well if one of the two tubing strings is removed and (iii) the type of showing necessary to rebut the presumption set forth in ruling 1975-12 that if a well has not operated for more than 24 consecutive hours, production has been significantly curtailed, and appropriate adjustment must be made in calculating the average daily production of that property.

Requests for Exception

Little America Refining Company, Inc., 3/11/82, BEE-1064

Little American Refining Company, Inc. (Larco) filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought to be relieved of a portion of its entitlement purchase obligations for its 1980 fiscal year, the period July 1979 through June 1980. In considering the firm's request, the DOE concluded that the reinstatement of the firm's eligibility for exception relief under the *Delta* standard was not warranted. The DOE further determined that the firm had incurred no serious hardship, gross inequity, or unfair distribution of burdens during its 1980 fiscal year as a result of the regulatory program. Accordingly, exception relief was denied, and the firm was required to purchase additional entitlements in the amount of $29,941,377.28 to repay the entitlement benefits which it had previously received for its 1980 fiscal year via temporary and proposed exceptions proceedings. (The important issues discussed in the Decision and Order are (i) the authority of the Office of Hearings and Appeals to exclude Larco's exception application from consideration under the *Delta* standards; (ii) changes in Larco's factual circumstances which would again permit the firm's exception application to be considered under the *Delta* standards; and (iii) criteria other than the *Delta* standards under which Larco's exception application may be considered.)

Thriftway Company, 3/11/82, BEE-1206, BXE-1480

Thriftway Company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought exception relief from the Entitlements Program. In considering the request, the DOE found that exception relief was necessary to alleviate the adverse impact of the entitlements purchase obligations on Thriftway's financial posture. Accordingly, exception relief was granted.

Request for Stay

Milder Oil Company, 3/10/82, HES-0005

Milder Oil Company filed an Application for Stay from the requirement that it comply with the terms of a consent order the firm entered into on December 12, 1977. In considering the Application, the DOE determined that Milder had failed to meet any of the criteria for stay relief. The Milder stay request was therefore denied.

Interlocutory Orders

Lampton-Love, Inc., 3/12/82, HRZ-0023

Lampton-Love, Inc. filed a Motion to Dismiss a Proposed Remedial Order under the provisions of 10 CFR Part 205, Subpart O in which the firm sought to have a PRO issued to the firm on September 22, 1981 dismissed or remanded to the Southeast District Office of Enforcement. In considering the request, the DOE found that the Lampton-Love PRO should not be dismissed or remanded at the present time. Accordingly, the firm's Motion was denied. The important issue discussed in the Decision and Order is the findings a PRO must contain in order to establish a *prima facie* case of a regulatory violation at a preliminary stage of an enforcement proceeding.

Marathon Oil Company, 3/12/82, HRZ-0025, HRZ-0026

Marathon Oil Company filed two Motions to Dismiss three Proposed Remedial Orders issued to it by the Economic Regulatory Administration's Office of Special Counsel. In its first Motion, Marathon challenged the authority of the Office of Hearings and Appeals to conduct fact finding proceedings leading to the issuance of a PRO. Marathon based its position on the claim that section 503(c) of the Department of Energy Organization Act (DOEOA) vested this authority in the Federal Energy Regulatory Commission. The DOE rejected this claim and pointed out that section 503(e) of the DOEOA specifically sanctions the authority of the DOE to conduct proceedings prior to the issuance of a Remedial Order. The DOE also rejected Marathon's claim that recipients of Remedial Orders are entitled to an evidentiary hearing as a matter of right. In addition, the DOE found that its procedural regulations as a whole protect the due process rights of a PRO recipient.

In its second Motion to Dismiss, Marathon claimed that the original declarations of the DOE auditor in two of the three PROs as to the accuracy of the findings of fact were insufficient. However, the DOE found that supplemental declarations had been filed that were sufficient. The DOE therefore concluded that the PROs should not be dismissed.

Special Refund Procedures

Office of Special Counsel: In the Matter of Pennzoil Company, 3/10/82, BEF-0072

Pursuant to 10 CFR Part 205, Subpart V, the Office of Special Counsel filed a Petition for the Implementation of Special Refund Proceedings in the case of the Pennzoil Company. In a Proposed Decision and Order (*See* 47 FR 329 (1982)), the OHA tentatively established a two stage procedure to be used in adjudicating claims in the Pennzoil case that was similar to the *pro rata* volumetric distribution used in a number of earlier refund cases. The final decision, however, discusses a number of equitable factors which will be considered in the process of allocating funds among successful claimants. The Decision and Order also reserves the question of the proper disposition of any remaining funds until the completion of the first stage claims procedure.

Dismissals

The following submissions were dismissed without prejudice:

Company name and Case No.

Depco, Inc., BRO–1458; BRD–1458
Ted's Texaco, HRW–0005; HRH–0018
West Coast Oil Company, BEL–0072

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management; Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 19, 1982.

[FR Doc. 82–11291 Filed 4–23–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–140008; TSH FRL 2111–3]

Consumer Product Safety Commission; Disclosure of Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Consumer Produce Safety Commission (CPSC) has requested EPA to provide it with access to information in premanufacture notices (PMNs) submitted to EPA under section 5 of the Toxic Substances Control Act (TSCA) on chemical substances which have potential consumer use applications. Some of the information in those PMNs may be claimed as confidential. The CPSC has stated that it requires access to this information in connection with the performance of its duties under the Consumer Product Safety Act (CPSA). In accordance with section 14(a)(1) of TSCA, EPA will provide CPSC with limited access to this PMN information.

DATE: Access to confidential business information will be provided to CPSC no sooner than May 6, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–509, 401 M St., SW, Washington, DC 20460, Toll-free: (800–424–9065). In Washington, D.C.: (554–1404), Outside the USA: (Operator–202–544–1404).

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission administers several Federal laws, including the Consumer Product Safety Act, as amended, 15 U.S.C. 2051 et seq. The CPSC is charged under that law with protecting the public against unreasonable risks of injury associated with consumer products; assisting consumers in evaluating the comparative safety of consumer products; developing uniform safety standards for consumer products; and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries. The CSPC has requested that certain of its employees, in connection with their official duties under the CPSA, be granted access to specified confidential business information submitted to EPA.

Under section 5 of TSCA, manufacturers and importers of chemical substances are required to submit PMNs for new chemical substances which they intend to manufacture or import and which are not included in the Inventory of Chemical Substances. In connection with the performance of its duties under the CPSA, the CPSC has requested EPA to provide it with access to PMNs submitted for substances which have potential consumer use applications. Some of this information may be claimed confidential. In accordance with section 14(a)(1) of TSCA and 40 CFR 2.209(c), which applies to information submitted under TSCA by 40 CFR 2.306(h), EPA will provide CPSC with access to this confidential business information.

As required by 40 CFR 2.209(c), this is a notice to inform submitters of PMNs that certain PMN information will be provided to CPSC no sooner than ten days after this notice's publication.

Designated CPSC employees will be cleared for access to confidential business information in accordance with the provisions of the TSCA Confidential Business Information Security Manual and required to sign a confidentiality agreement. Confidential business information will be reviewed by CPSC employees only at EPA, and no such information will be permitted to be removed from EPA's premises. The CPSC will be notified that this confidential information was acquired by EPA under authority of TSCA and that any knowing disclosure of the information may subject the officers and employees of CPSC to the penalties in section 14(d) of the Act.

Dated: April 6, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82–11276 Filed 4–23–82; 8:45 am]

BILLING CODE 6560–50–M

[ORD FRL 2111–4]

Draft Health Assessment Documents for Coke Oven Emissions, Carbon Tetrachloride, 1,1,2-Trichloro-1,2,2-Trifluoroethane (Chlorofluorocarbon FC–113), 1,1,1-Trichloroethane (Methyl Chloroform), Dichloromethane (Methylene Chloride), Tetrachloroethylene (Perchloroethylene), Trichloroethylene, Acrylonitrile and Toluene

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of review drafts.

A number of substances which are omitted to the ambient air are currently being studied by the Environmental Protection Agency to determine whether they should be regulated under the Clean Air Act. One of the factors in the Agency's study of these substances is the evaluation of available health effects information. The evaluations for the pollutants listed below are contained in draft health assessment documents prepared by the Office of Health and Environmental Assessment of the Office of Research and Development. In order to have a thorough review of the scientific aspects of these documents, they are being transmitted to the Agency's Science Advisory Board (SAB) for review, and simultaneously, are available for public review and comment.

The draft documents will be available for public review on or about May 5 and the Agency will accept public comments until July 6. After receipt of these comments, the Science Advisory Board will hold public meetings to review the documents. Advance notices announcing the time and place for the SAB public meetings and document agenda will be made in the Federal Register.

Those persons interested in commenting on the scientific merit of the draft documents listed below may obtain copies as follows:

1. The draft documents are available, in single copy quantity, from EPA at the following address: ORD Publications—CERI–FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Tel: 513/684–7562.

Requestors should be sure to cite the EPA number(s) assigned to the document(s).

2. The draft documents will also be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, SW, Washington, DC, 20460.

The titles and publication numbers of the draft health assessment documents are:

Title	EPA No.
Carcinogen Assessment of Coke Oven Emissions.	EPA-600/6-82-003.
Health Assessment Document for Carbon Tetrachloride.	EPA-600/8-82-001.
Health Assessment Document for 1,1,2-Trichloro-1,2,2-Trifluoroethane (Chlorofluorocarbon FC-113).	EPA-600/8-82-002.
Health Assessment Document for 1,1,1-Tichloroethane (Methyl Chloroform).	EPA-600/8-82-003.
Health Assessment Document for Dichloromethane (Methylene Chloride).	EPA-600/8-82-004.
Health Assessment Document for Tetrachloroethylene (Perchloroethylene).	EPA-600/8-82-005.
Health Assessment Document for Trichloroethylene.	EPA-600/8-82-006.
Health Assessment Document for Acrylonitrile.	EPA-600/8-82-007.
Health Assessment Document for Toluene.	EPA-600/8-82-008.

Commenters are requested to submit separate comments for each document rather than making a combined submission. Comments must be in writing and should be addressed in the manner described below:

- For Acrylonitrile, 1,1,2-Trichloro-1,2,2,-Trifluoroethane (Chlorofluorocarbon FC-113), 1,1,1-Trichloroethane (Methyl Chloroform), Dichloromethane (Methylene Chloride), Tetrachloroethylene (Perchloroethylene), Toluene, and Trichloroethylene: send comments to Solvents Project Officer, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, NC, 27711.
- For Carbon Tetrachloride: send comments to David J. Reisman, Environmental Criteria and Assessment Office (G-44), U.S. Environmental Protection Agency, Cincinnati, OH, 45268.
- For Coke Oven Emissions: send comments to the Coke Ovens Project Officer, Carcinogen Assessment Group (RD-689), U.S. Environmental Protection Agency, Washington, D.C. 29460.

Comments must be received by close of business July 6, in order to be considered.

Dated: April 14, 1982.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 82-11278 Filed 4-23-82; 8:45 am]

BILLING CODE 6560-50-M

[WEN-FRL-2111-5]

National Pretreatment Program; Availability of Report Entitled "Pretreatment Resource Reader"

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

This notice announces the availability of a report entitled "Pretreatment Resource Reader: A Compendium of Experiences and Practical Knowledge for the Establishment of Local Programs." The report is the outgrowth of a two year effort conducted by the Association of Metropolitan Sewerage Agencies and supported by a grant from EPA. The objective of the Reader is to provide practical assistance to municipal wastewater treatment agencies, both large and small, as they develop approvable pretreatment programs. To accomplish this objective, the "Reader" utilizes a case study approach relying extensively on the experiences of numerous local agencies in accomplishing various aspects of pretreatment program development. Chapters are devoted to experiences in conducting effective industrial waste surveys, securing legal authorities, setting local effluent standards, designing monitoring system, sludge disposal aspects, and other topics.

EPA has entered the document into the National Technical Information Service (NTIS) system. Copies of the report can be purchased directly from NTIS. To order, write to: Department of Commerce, National Technical Information Service, Springfield, Virginia 22161, Attn: Sales Desk, Order No. PB 82-181629.

The cost of the report is $22.50 for paper copy and $4.00 for microfiche. Payment may be made by check or money order payable to "NTIS." Include the NTIS Order No. and the title of the report in all ordering requests.

Dated: April 16, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-11279 Filed 4-23-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Texas Commerce Bancshares, Inc.; Telp Corp.

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act ("Act") (12 U.S.C. 1842(a)(5)), to merge a newly formed subsidiary, Telp Corporation, Houston, Texas, with El Paso National Corporation, El Paso, Texas. Telp Corporation, Houston, Texas, has also applied to become a bank holding company pursuant to section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)). El Paso National Corporation, El Paso, Texas, controls El Paso National Bank, First State Bank, Northgate National Bank, Border City Bank, Chamizal National Bank, East El Paso National Bank and West El Paso National Bank, all of El Paso, 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)).

Texas Commerce Bancshares, Inc., Houston, Texas, has also applied pursuant to section 4(c)(8) of the 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 Trans Texas International Company, Trans Commonwealth Associates, and El Paso National General Agency, Inc., all of El Paso, Texas.

Applicant states that the proposed subsidiaries would engage in the activities of performing or carrying on the activities of a trust company, acting as investment or financial advisor, and acting as insurance agent or broker for credit related insurance. These activities would be performed from offices in El Paso, Texas, and the geographic area to be served is the El Paso SMSA. Such activities have been specified by the Board in § 225.4(c) 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 of whether acquisition of the nonbanking activities 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."

Texas Commerce Bancshares, Inc., Houston, Texas, is also engaged in the following nonbanking activities: leasing

personal property; acting as agent or broker for credit related insurance; and making or acquiring loans and other extensions of credit. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the merger in light of the company's nonbanking activities and the provisions and prohibitions of Section 4 of the Act (12 U.S.C. 1843).

Any request for a hearing 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 applications 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 20, 1982.

Board of Governors of the Federal Reserve System, April 20, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-11238 Filed 4-22-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; Report of New System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of New System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, Study of the Social, Ethical, and Economic Consequences of Medicare Coverage for Heart Transplants; HHS/HCFA/ORD 09-70-0028. We have provided background information about the proposed system in the "Supplementary Information" section below. HCFA invites public comments by May 26, 1982, with respect to routine uses of the system.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate, and the Director, Office of Management and Budget (OMB) on April 9, 1982. The new system of records, including routine uses, will be effective June 9, 1982, unless HCFA receives comments which would result in a contrary determination.

ADDRESS: The public should address comments to Shirley Mulhall, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room G-C-3 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Greenspan, Office of Research, Room 4451 North Building, 300 Independence Avenue SW., Washington, D.C. 20201, Telephone: (202) 245-6412.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records containing data collected under the authority of section 1875 of the Social Security Act.

This section authorizes and encourages the Secretary of the Department of Health and Human Services "to carry on studies and develop recommendations to be submitted from time to time to the Congress relating to health care of the aged and disabled * * *." The purpose of the study is to examine the scientific, social, economic, and ethical consequences of reimbursing for heart transplants under the Medicare program. DHHS will use this analysis to determine the appropriateness of Medicare coverage for this procedure. The basic issues of the study include:

- The need for heart transplants
- The current and future donor availability
- The cost of treatment
- The quality of life after transplantation
- The ethical considerations for the patient, the donor, and the government.

In summary, the purpose of this system of records is to provide information on all aspects of heart transplantation including the cost of transplant procedures and follow-up, the status of patients following transplant, and the implications the End-Stage Renal Disease Program has for Medicare coverage for heart transplants.

A contractor will conduct personal interviews or, alternatively, administer a mail survey, using a questionnaire, of approximately 100 living heart transplant recipients. In addition, the families of approximately 100 deceased heart transplant recipients will also be interviewed or asked to participate in a mail survey. Relevant medical data will be abstracted from patient medical records maintained at each transplant center. Additional data will be obtained on the overall characteristics and operation of each transplant program participating in the project. Individual patient data include survival rates, cost of the procedure, and the impact of the procedures on the quality of life of the patient and his/her family. Data obtained from each heart transplant program include yearly hospital charge data, Medicare cost reports, cost data on equipment, facilities, and personnel resources needed to perform transplants, and other similar data.

The contractor will obtain a written acknowledgment from every participating individual indicating that they have been informed of the following: (1) The objectives of the study, (2) the procedures to be followed, (3) attendant discomforts and risks, (4) benefits to be expected, (5) where to direct inquiries concerning the study, and (6) their freedom to discontinue participation in the project or activity at any time. Consent from each individual will be obtained to permit access to medical records and histories appropriate to the study. The patient or, alternatively, the family of the deceased will be asked to sign the consent and acknowledgment forms at the time of the interview.

The results of this study will be used in the DHHS report to Congress and will address how a possible Medicare decision to pay for heart transplants will impact the Medicare program, Medicare beneficiaries, and providers of health care.

Dated: April 19, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

09-70-0028

SYSTEM NAME:

Study of the Social, Ethical, and Economic Consequences of Medicare Coverage for Heart Transplants; HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The location of the system for the duration of the contract will be: Battelle Human Affairs Research Centers, 4000 N.E. 41st Street, Seattle, Washington 98105. Additional information on the contractor site will be available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Heart transplant recipients or their families.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaires administered to approximately 100 living heart transplant recipients and approximately 100 families of deceased heart transplant recipients. These questionnaires will provide information on each transplant patient concerning survival rates, cost of the heart transplant procedure, and the impact of the procedure on the quality of life of the patient and his/her family. Relevant medical data will also be abstracted from patient medical records maintained at each transplant center. Questionnaires will show a patient identification number although patient names will not appear on the questionnaires. To the extent that these patients are eligible for and have received Medicare benefits for the treatment of end-stage cardiac disease, these data will also become part of the proposed system of records. Additional data will also be obtained from the four to six participating heart transplant programs. These data include yearly hospital charge data, Medicare cost reports, cost data on equipment, facilities and personnel resources needed to perform transplants, and other similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act.

PURPOSE(S):

To provide information on all aspects of heart transplantation including the cost of transplant procedures and follow-up, the status of patients following transplant, and the implications the End-stage Renal Disease Program has for Medicare coverage of heart transplants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. The contractor will use this information to assess the potential implications of a possible Medicare decision to pay for heart transplants on the Medicare program, Medicare beneficiaries, and the providers of health care.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and magnetic tape.

RETRIEVABILITY:

Records are indexed by a unique identifier.

SAFEGUARDS:

The contractor will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. Authorized HCFA representatives will, upon request, be granted access to premises where records are kept for the purpose of inspecting physical security arrangements. However, no data will be released with identifying information. For computerized records, the contractor will initiate automated data processing (ADP) system security procedures required by the DHHS ADP Systems Manual, Part 6, ADP Systems Security, e.g., use of passwords.

RETENTION AND DISPOSAL:

The contractor will hold hard-copy records, magnetic tapes, and cards until beneficiary specific data are received and integrated. All identifying information and hard-copy records will then be destroyed, thus protecting the confidentiality of all information collected. The contractor will retain all records for the life of the contract and then these records will become the custody of the Office of Research and Demonstrations, HCFA. Data supplied to HCFA will not include individual identifiers. No data which would possibly identify an individual will be supplied.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, Room 4222, HHS Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the Systems Manager at the address indicated above, specify name, address and patient identification number. These notification and access procedures are in accordance with Department Regulations (45 CFR Part 5b).

RECORDS ACCESS PROCEDURE:

Individuals participating in the survey may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations 45 CFR Part 5b.)

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the System Manager and reasonably identify and specify the information to be contested and reason for contesting, why it is inaccurate or incomplete. (These procedures are in accordance with Department Regulations 45 CFR Part 5b.)

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include heart transplant patients, heart transplant centers, survey contractor and subcontractors (if any), and selected HCFA files. For example, data routinely reported on HCFA Form 1453, Inpatient Hospital and Skilled Nursing Facility Admission and Billing Form, will be requested.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-11241 Filed 4-23-82; 8:45 am]
BILLING CODE 4120-03-M

National Institutes of Health

Bladder and Prostatic Cancer Review Committee (Bladder Cancer Review Subcommittee); Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee (Bladder Cancer Review Subcommittee), National Cancer Institute, June 21-22, 1982, Marriott Hotel, State Suite, Lincoln Square, Worcester, Massachusetts 01608. This

meeting will be open to the public on June 21 from 8:30 a.m. to 3:00 p.m. to discuss the Second National Bladder Cancer Conference program plans (Meeting to be held January 1983). Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 21, from 3:00 p.m. to adjournment; and on June 22, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Bladder Cancer Review Subcommittee, National Cancer Institute, Blair Building, Room 7A05, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: April 13, 1982.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 82–11253 Filed 4–23–82; 8:45 am]

BILLING CODE 4140–01–M

Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee, (Prostatic Subcommittee), National Cancer Institute, May 28, 1982, National Academy of Sciences Building, Room 150, 2101 Constitution Avenue, N.W., Washington, DC 20418. This meeting will be open to the public on May 28 from 8:00 a.m. to 8:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 28, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Andrew Chiarodo, Executive Secretary, Prostatic Subcommittee, National Cancer Institute, Blair Building, Room 7A05, National Institutes of Health, Bethesda, Maryland 20205 (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention; detection and diagnosis; and cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: April 13, 1982.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 82–11255 Filed 4–23–82; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following study sections for May through July 1982, and the individuals from whom summaries of meetings and roster of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that any one planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	May–July 1982 meetings	Time	Location
Allergy & Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301–496–7380	June 10–12	8:30	Linden Hill Hotel, Bethesda, MD.
Bacteriology & Mycology–1, Dr. Milton Gordon, Rm. 304, Tel. 301–496–7340	June 2–5	8:30	Holiday Inn, Chevy Chase, MD.
Bacteriology & Mycology–2, Dr. William Branche, Jr., Rm. 435, Tel. 301–496–1862	June 9–11	9:00	Ramada Inn, Bethesda, MD.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301–496–7109	June 15–18	9:00	Linden Hill Hotel, Bethesda, MD.
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301–496–7430	June 28–July 1	8:00	Room 6, Bldg. 31C, Bethesda, MD.
Biochemistry–1, Dr. Adolphus Toliver, Rm. 318, Tel. 301–496–7516	June 9–12	9:00	Georgetown Hotel, Washington, DC.
Biochemistry–2, Dr. Adolphus Toliver, Rm. 318, Tel. 301–496–7516	June 17–19	9:00	Linden Hill Hotel, Bethesda, MD.
Bio-Organic & Natural Products Chemistry, Dr. Michael Rogers, Rm. A–27, Tel. 301–496–7107	June 24–26	9:00	Holiday Inn, Georgetown, DC.
Biophysical Chemistry, Dr. John Wolff, Rm. 236B, Tel. 301–496–7070	June 2–4	8:30	Linden Hill Hotel, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301–496–7058	May 25–26	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular & Pulmonary, Dr. Constance E. Weinstein, Rm. 2A–04, Tel. 301–496–7316	June 2–4	8:00	Linden Hill Hotel, Bethesda, MD.
Cardiovascular & Renal, Dr. Rosemary Morris, Rm. 326, Tel. 301–496–7901	June 14–16	8:30	Westpark Hotel, Rosslyn, VA.

Study section	May–July 1982 meetings	Time	Location
Cell Biology, Dr. Gerald Greenhouse, Rm. 306, Tel. 301–496–7681	June 2–4	8:30	Room A, Landow Bldg., Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301–496–7078	June 7–9	8:30	Holiday Inn, Bethesda, MD.
Communicative Sciences, Dr. Michael Halasz, Rm. 225, Tel. 301–496–7550	June 9–11	8:30	Holiday Inn, Georgetown, DC.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219B, Tel. 301–496–7650	June 21–23	8:30	Marriott Hotel, Bethesda, MD.
Endocrinology, Mr. Morris M. Graff, Rm. 333, Tel. 301–496–7346	June 7–10	7:00 p.m.	Holiday Inn, Georgetown, DC.
Epidemiology & Disease Control–1, Dr. Michael Alavanja, Rm. 203C, Tel. 301–496–7246	June 8–10	8:30	Wellington Hotel, Washington, DC.
Epidemiology & Disease Control–2, Dr. Ann Schluederberg, Rm. 203B, Tel. 301–496–7246	June 8–10	8:30	Wellington Hotel, Washington, DC.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301–496–7940	June 8–10	8:00	Linden Hill Hotel, Bethesda, MD.
Experimental Immunology, Dr. David Lavrin, Rm. 222B, Tel. 301–496–7238	June 9–11	8:30	Holiday Inn, Chevy Chase, MD.
Experimental Therapeutics, Dr. Ira Kline, Rm. 319, Tel. 301–496–7839	June 2–5	8:30	Kenwood Country Club, Bethesda, MD.
Experimental Virology, Dr. Eugene Zebovitz, Rm. 206, Tel. 301–496–7474	June 6–9	2:00 p.m.	Room 9, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354A, Tel. 301–496–7797	June 23–25	8:30	Room 10, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301–496–7730	June 2–4	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301–496–7271	June 17–19	9:00	Room 10, Bldg. 31C, Bethesda, MD.
Hematology, Dr. Clark Lum, Rm. 355, Tel. 301–496–7508	May 27–29	8:00	Marriott Hotel, Bethesda, MD.
Human Development & Aging–1, Dr. Teresa Levitin, Rm. 303, Tel. 301–496–7025	June 9–11	9:00	Executive House, Washington, DC.
Human Development & Aging–2, Dr. Samuel Rawlings, Rm. 305, Tel. 301–496–7640	June 14–16	9:00	Ramada Inn, Bethesda, MD.
Human Embryology & Development, Dr. Arthur Hoversland, Rm. 221, Tel. 301–496–7597	June 2–4	8:00	Westpark Hotel, Rosslyn, VA.
Immunobiology, Dr. William Stylos, Rm. 222A, Tel. 301–496–7780	June 2–4	8:30	Holiday Inn, Bethesda, MD.
Immunology Sciences, Dr. Lottie Kornfeld, Rm. 233A, Tel. 301–496–7179	June 16–18	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301–496–7271	June 21–23	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A–27, Tel. 301–496–7107	June 16–18	9:00	Linden Hill Hotel, Bethesda, MD.
Metabolism, Dr. Robert Leonard, Rm. 339A, Tel. 301–496–7091	June 3–5	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Behar, Rm. 310, Tel. 301–496–7733	June 16–18	9:00	Westpark Hotel, Rosslyn, VA.
Microbial Physiology, Dr. Martin Slater, Rm. 238, Tel. 301–496–7183	June 9–11	8:30	Holiday Inn, Bethesda, MD.
Molecular Biology, Dr. Donald Disque, Rm. 326, Tel. 301–496–7830	June 10–12	8:30	Holiday Inn, Georgetown, DC.
Molecular & Cellular Biophysics, Dr. James Cassatt, Rm. 236, Tel. 301–496–7060	June 17–19	8:30	Linden Hill Hotel, Bethesda, MD.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233, Tel. 301–496–7149	June 3–5	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Neurological Sciences, Dr. Edwin Bartos, Rm. 439B, Tel. 301–496–7280	June 10–12	8:30	Holiday Inn, Georgetown, DC.
Neurology A, Dr. Catherine Woodbury, Rm. 326, Tel. 301–496–7095	June 16–18	9:00	Uniformed Services Univ., Bethesda, MD.
Neurology B, Dr. Willard McFarland, Rm. 2A–03, Tel. 301–496–7422	June 23–26	8:30	Wellington Hotel, Washington, DC.
Nutrition, Dr. John Schubert, Rm. 204, Tel. 301–496–7178	June 8–10	8:30	Western Human NTN, Res. Ctr., USDA, San Francisco, CA.
Oral Biology & Medicine, Dr. Thomas Tarpley, Jr., Rm. 325, Tel. 301–496–7818	June 8–11	8:30	Linden Hill Hotel, Bethesda, MD.
Orthopedics & Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301–496–7581	June 3–5	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Pathobiological Chemistry, Dr. Clarice Gaylord, Rm. A–26, Tel. 301–496–7820	June 23–26	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. William A. Kachadorian, Rm. 337, Tel. 301–496–7305	June 2–5	6:00	Linden Hill Hotel, Bethesda, MD.
Pathology B, Dr. Martin Padarathsingh, Rm. 352, Tel. 301–496–7244	June 16–18	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301–496–7408	June 15–17	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm. 218B, Tel. 301–496–7120	June 16–18	9:00	Holiday Inn, Georgetown, DC.
Physiological Chemistry, Dr. Harry Brodie, Rm. 339, Tel. 301–496–7837	June 10–12	8:30	Holiday Inn, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301–496–7878	June 9–12	2:00 p.m.	Linden Hill Hotel, Bethesda, MD.
Radiation, Dr. Robert Straube, Rm. 219A, Tel. 301–496–7073	June 14–16	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301–496–7318	June 6–9	8:30	Ramada Inn, Bethesda, MD.
Social Sciences & Population, Ms. Carol Campbell, Rm. 210, Tel. 301–496–7906	June 14–16	8:30	Cap.-Smithsonian, Holiday Inn, Washington, DC.
Surgery & Bioengineering, Dr. Joe Atkinson, Rm. 303A, Tel. 301–496–7506	June 17–18	8:00	Holiday Inn, Bethesda, MD.
Surgery, Anesthesiology & Trauma, Dr. Keith Kraner, Rm. 319B, Tel. 301–496–7771	June 1–2	8:30	Holiday Inn, Bethesda, MD.
Toxicology, Faye Calhoun, Rm. 205, Tel. 301–496–7570	June 16–18	8:30	Holiday Inn, Georgetown, DC.
Tropical Medicine & Parasitology, Dr. Betty June Myers, Rm. 225, Tel. 301–496–7494	June 7–10	8:00	Ramada Inn, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301–496–7605	June 10–12	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Visual Sciences A, Dr. Orvil Bolduan, Rm. 207, Tel. 301–496–7000	June 21–23	9:00	Linden Hill Hotel, Bethesda, MD.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301–496–7251	June 9–12	8:30	Sheraton Inn, Silver Spring, MD.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13–878, 13.892, 13.893, National Institutes of Health, HHS)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 16, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–11256 Filed 4–23–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its subcommittees on May 27–28, 1982, at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland 20205.

The meeting will be open to the public on May 27 from approximately 9:00 to 9:30 a.m. for the introduction of *ad hoc* consultants and guests, and again from 1:30 p.m. to approximately 5:00 p.m. This afternoon open session will include the routine business of the Council, such as approval of the minutes of the previous meeting, confirmation of future meeting dates, and report of Institute staff changes. The Institute Director's report will include budget information. On May 28 the meeting will be open to the public from approximately 8:30 a.m. to 9:30 a.m. for the reports of the directors of the Microbiology and Infectious Diseases Program; Immunology, Allergic and Immunologic Diseases Program; and the Intramural Research Program. Attendance by the public at all open sessions will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meetings of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and

discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on May 27, 1982. The meeting of the full Council will be closed from approximately 9:30 a.m. until adjournment on May 28 for the review, evaluation, and discussion of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. Luz A. Froehlich, Acting Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: April 13, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-11254 Filed 4-23-82; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board Subcommittees; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board Subcommittees on Planning and Budget and Centers and Construction, May 17, 1982. The Subcommittee on Centers and Constructions will be held in Building 31, C Wing, Conference Room 6; and the Subcommittee on Planning and Budget will be held in Building 31, Conference Room 11A10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The Subcommittee on Planning and Budget will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

The Subcommittee on Centers and Construction will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and seciton 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: *Subcommittee on Centers and Construction*
Date of Meeting: May 17, 1982
Place of Meeting: Building 31, C Wing, Conference Room 6 National Institutes of Health
Closed: May 17, 4:30 p.m.—adjournment
Closure Reason: To review individual grant applications.

Name of Committee: *Subcommittee on Planning and Budget*
Date of Meeting: May 17, 1982
Place of Meeting: Building 31, A Wing, Conference Room 11A10 National Institutes of Health
Open: May 17, 7:30 p.m.—adjournment
Agenda: Discussion of fiscal years 1982 and 1983 Budgets, and a review of fiscal year 1984 By-Pass Budget.

(Catalog of Federal Domestic Assistance Program Number 13.392, project grants in cancer construction, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: April 16, 1982.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 82-11252 Filed 4-23-82; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Title V, Social Security Act, As Amended; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of November 23, 1981, (46 FR 62185) by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Administrator, Health Services Administration, with authority to redelegate no further than to an official who reports directly to him, the authority delegated to the Assistant Secretary for Health under Title V of the Social Security Act (42 U.S.C. 701 *et seq.*), as amended, concerning the Maternal and Child Health Services Block Grant. The delegation to the Administrator, Health Services Administration, does not include the authority to promulgate regulations, to submit reports to the Congress, to take final action to withhold funds from States, and to act under the nondiscrimination provisions of the Act.

The April 15, 1980, delegation by the Assistant Secretary for Health to the Administrator, Health Services Administration, (45 FR 30139) of authority under Title V of the Social Security Act has been superseded.

Provision has been made for previous delegations and redelegations made to other officials within the Health Services Administration of authority under Title V of the Social Security Act, as amended, to continue in effect for no longer than 90 days from the effective date of the delegation to the Administrator, Health Services Administration, provided they are consistent with the delegation to the Administrator, Health Services Administration.

The delegation to the Administrator, Health Services Administration, became effective on April 7, 1982.

Dated: April 7, 1982.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 82-11250 Filed 4-23-82; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Number: A 17000-X]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a letter of intent to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A17000-X.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer

will be held to be classified June 25, 1982. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602) 241–2854).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments will be evaluated by the Authorized Officer who will issue a notice of determination to proceed with, modify, or cancel the action. In the Absence of any action by the Authorized Officer, this classification action will become the final determination of the Department of Interior. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classificaiton are located in Yavapai County, Arizona and are described as follows: (Footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

[Application A 17000–X]

Gila and Salt River Meridian, Arizona

T. 10. N., R. 2 E.
Section 2: That part of lots 2 and 3 lying between I–17 R/W and Bloody Basin Road [1,7]
Total: Approximately 9.00 acres.
T. 11. N., R. 2 E.
Section 5: Lots 1, 5, SW¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, SE¼NW¼, SW¼, N½SE¼ [1,6,13]
Section 8: Lots 1, 2, W½NE¼, W½ [2,3,4,5,8,14]
Section 17: W½NE¼, W½, SE¼ [2,3,4,5,6,8,15,16]
Section 26: W½W½ east of I–17 R/W, E½W½, NW¼SE¼, S½SE¼ [1,7,10,17,18]
Section 35: Part of S½SW¼SE¼ lying between I–17 R/W and Bloody Basin Road, N½N½NE¼ [1,7,10,17]
Total: Approximately 1,844.65 acres
T. 12 N., R. 2 E.
Section 28: W½W½W½, W½E½NW¼NW¼, W½E½SW¼NW¼, W½E½NW¼SW¼, SE¼SE¼NW¼SW¼, S½S½NE¼SW¼, E½SW¼SW¼, SE¼SW¼, S½S½SE¼ [11,20,21,22]
Section 29: N½ [12,23,24,25]
Section 33: Lots 1, 2, W½NE¼, NW¼ [11,22]
Total: Approximately 864.50 acres.
The total acreage described above for Application A 17000–X is approximately 2,718.15 acres.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, withdrawals, and/or rights-of-way on the public lands described in Paragraph 5 above:

Gila and Salt River Meridian

All the lands described above are under Stock Driveway Withdrawal, AR 56, SO 2/4/1919, SO 2/10/1942 issued in the name of the Bureau of Land Management. All of the lands are also under SO Black Canyon Trails Designation A 2936, 1/3/1969.

Rights-of-Way

[1]Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007; PHX 084086, PHX 084094, PHX 084095, PHX 085902, AR 030393
[2]El Paso Natural Gas Co., Box 1492, El Paso, TX 79978; AR 010913
[3]Bureau of Reclamation Parker, Davis Project, 2200 Valley Bank Center, Phoenix, AZ 85073; PHX 085401
[4]Arizona Public Service, P.O. Box 21666, Phoenix, AZ 85036; PHX 084014
[5]Yavapai County Board of Supervisors, Courthouse, Prescott, AZ 86301; A9544
[6]Mountain States Telephone, Right-of-Way Department, 3033 N. 3rd Street, Room 606-A, Phonenix, AZ 85012; A13912

Grazing Lessees

[7]Henry Cordes, Star Route, Mayer, AZ 85333
[8]Donald E. O'Beirne, 1135 E. Vaughn, Tempe, AZ 85283
[9]Brent C. and Deborah B. Berge, 2401 W. Bell Road, Phoenix, AZ 85023
[10]John Bensch and Ernest Bensch, Jr., Route 2, Box 27–A, Red Lodge, MT 59068
[11]UMCA of Phoenix, 350 North 1st Avenue, Phoenix, AZ 85003
[12]Halle Ranch c/o Wale S. Collins & Davies, P. C., 1830 First National Plaza, Phoenix, AZ 85003

Range Improvements and Cooperative Agreements

[13]#0179; Fence; Range Improvement; Donald O'Beirne
[14]#0651; Fence; Cooperative Agreement; Donald O'Beirne
[15]#1840; Fence; Range Improvement; Brent C. Berge
[16]#4343; Fence; Cooperative Agreement; Brent C. Berge
[17]#1116; 2 Tanks; Range Improvements; John Bensch
[18]#1120; Fence; Range Improvements; John Bensch
[19]#1116; Tank; Range Improvements; John Bensch
[20]#0145; Fence; Range Improvements; YMCA
[21]#0683; Well; Range Improvement; YMCA
[22]#0685; Road; Range Improvement; YMCA
[23]#0570; Fence; Range Improvement; Halle Ranch
[24]#0574; Tank; Range Improvement; Halle Ranch
[25]#0579; Well; Range Improvement; Halle Ranch

7. Rights-of-way granted by BLM will transfer with the land. State Law and Land Department procedures (R 12–5–154D Adminstrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: April 16, 1982.

Tom Allen,

Acting State Director.

[FR Doc. 82–11272 Filed 4–23–82; 8:45 am]
BILLING CODE 4310–84–M

[PHX–081900]

Arizona; Order Providing for Opening of Public Lands

April 16, 1982.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial number listed below:

PHX–081900: T. 19 N., R. 21 W., GSR Mer., Arizona
Section 3, lots 1 to 4, inclusive, S½N½, S½;
Section 5, lots 1 to 4, inclusive, S½N½, S½;
Section 7, lots 1 to 4, inclusive, E½W½, E½;
Section 9, W½;
Section 11, all;
Section 15, all;
Section 17, all;
Section 19, lots 1 to 4, inclusive, E½W½, E½;
Section 21, W½;
Section 23, all;
Section 25, all;
Section 27, all;
Section 29, all;
Section 31, lots 1 to 4, inclusive, E½W½, E½;
Section 33, W½;
Section 35, all.
The areas described aggregate 9,287.84 acres in Mohave County.

2. The United States did not acquire the mineral rights on any of the lands described in Paragraph 1.

3. Subject to valid existing rights and the provisions of applicable law, effective upon this publication, the following described lands are hereby open to application for the State Selection under sections 2275 and 2276, Revised Statutes, as amended, 43 U.S.C. 851 and 852:

T. 19 N., R. 21 W.,

Section 7, lot 4, SE¼SW¼;
Section 17, all;
Section 19, lots 1 to 4, inclusive, E½W½, E½;
Section 21, W½;
Section 29, N½N½;
Containing 1,839.97 acres in Mohave County.

4. Subject to valid existing rights, the provisions of exsitng withdrawals and the requirements of applicable law, the following described lands are hereby open to operation of the public land laws generally. All valid applications received at or prior to May 24, 1982 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

T. 19 N., R. 21 W.,
Section 3, lots 1 to 4, inclusive, S½N½, S½;
Section 5, lots 1 to 4, inclusive, S½N½, S½;
Section 7, lots 1 to 3, inclusive, E½, E½NW¼, NE¼SW¼;
Section 9, W½;
Section 11, all;
Section 15, all,
Section 23, all;
Section 25, all;
Section 27, all;
Section 29, S½N½;
Section 31, lots 1 to 4, inclusive, E½W½, E½;
Section 33, W½;
Section 35, all.
Containing 7,447.87 acres in Mohave County.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–11271 Filed 4–23–82; 8:45 am]

BILLING CODE 4310–84–M

[Survey Group 678]

Colorado; Filing of Plat of Survey

April 21, 1982.

Plat of survey of the following described lands accepted February 3, 1982 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective June 7, 1982.

New Mexico Principal Meridian

T. 51 N., R. 19 W.

This plat represents the dependent resurvey of a portion of the subdivisional lines and Mineral Survey No. 3253, Dolores No. 1 Placer, the survey of a portion of the subdivisional lines, and the subdivisional survey of section 16.

This survey was executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Harold Martin,

Chief, Division of Operations.

[FR Doc. 82–11268 Filed 4–23–82; 8:45 am]

BILLING CODE 4310–84–M

Exchange of Public Lands in Jerome County for Private Lands in Elmore County, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action: Exchange—Public Lands in Jerome County for Private Land in Elmore County, Idaho.

SUMMARY: The following described lands have been determined to be suitable for disposal through exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Jerome East:

T. 8 S., R. 18 East, Boise Meridian

Section 30:	Acres
Lot 1	36.81
Lot 2	36.82
NE4NW4	40.00
Total	113.63

In exchange for these lands the Federal government will acquire one parcel of non-Federal land in Elmore County from Joseph Davidson of Jerome, Idaho, described as follows:

The S2SE4, Section 2, T. 5 S., R. 11 E., Boise Meridian, containing 80 acres.

And a parcel of land in Sections 1, 11 and 12, T. 5 S., R. 11 E., B.M., all in Elmore County, Idaho, and being more specifically described as follows:

Commencing at the south quarter corner of Section 11, T. 5 S., R. 11 E., B.M., thence N. 26'14"15"W., 2989.89 feet to the REAL POINT OF BEGINNING: Said REAL POINT OF BEGINNING also bears N. 26'12"59"E., 2977.38 feet from the southwest corner of said Section 11;

Thence from this REAL POINT OF BEGINNING northerly 2595.00 feet more or less along the westerly boundary of the E2NW4, Section 11 to the boundary common to said Sections 2 and 11;

Thence easterly along the boundary common to said Sections 2 and 11 to the section corner common to Sections 1, 2, 11, and 12;

Thence from said Section corner northerly to the northwest corner of the S2SW4, Section 1;

Thence easterly 927.4 feet more or less along the north boundary of the S2SW4, section 1;

Thence S. 0'26"00"W., 3034.70 feet more or less to a point on the approximate southerly rim of Clover Creek Canyon; Said point bears N.44'29"59"E., 1353.50 feet from the Quarter Corner common to Sections 11 and 12, T. 5 S., R. 11 E., B.M.; Said point also bears N.25'39"27"W., 3967.55 feet from the south quarter corner of said Section 12;

Thence along the approximate southerly rim of Clover Creek Canyon the following courses and distances:

N.84'19"55"W., 572.91 feet; S.86'57"45"W., 428.24 feet;
N.1'58"14"W., 294.21 feet; S.88'49"30"W., 975.39 feet;
S.64'32"58"W., 635.11 feet; S.15'44"19"E., 230.42 feet; S.74'05"50"W., 2482.06 feet to the REAL POINT OF BEGINNING, containing 239.5 acres.

The gross area contained in this land as described above is 319.50 acres more or less. Subject to and together with the right of ingress and egress over and across the following attached easements.

Access Easement

A strip of land fifty (50) feet in width designated Access Easement for the purpose of ingress, egress, and utilities situated in Sections 11 and 12, T. 5 S., R. 11 E., B.M., Elmore County, Idaho; said strip of land to be centered on the following described centerline:

Commencing at the south quarter corner of section 11, T. 5 S., R. 11 E. B.M., thence N. 26'14"15"W., 2989.89 feet; thence N. 0'08"46"E., 25.00 feet to the REAL POINT OF BEGINNING;

Thence from this REAL POINT OF BEGINNING of the centerline of a fifty (50) foot wide strip of land and along said centerline the following courses and distances:

N.55'06"59"E., 2378.82 feet; N.70'49"11"E., 2126.92 feet; N.79'29"50"E., 2638.04 feet to the POINT OF ENDING of said centerline of a fifty (50) foot wide strip of land.

The above described Access Easement is for the benefit of and appurtenant to the property described in Exhibit "A".

A strip of land twenty-five (25) feet in width designated Access Easement for the purpose of ingress, egress, and utilities situated in the W2W2 of Section 11 and the SE4 of Section 10, all in T. 5 S., R. 11 E. B.M., Elmore County, Idaho; said strip of land to be centered on the following described centerline:

Commencing at the southwest corner of Section 11, T. 5 S., R. 11 E., B.M., thence along the west boundary of said

section 11, North 0°05'22" East a distance of 1318.68 feet; thence North 89°40'28" west a distance of 12.50 feet to the POINT OF BEGINNING of said centerline to a twenty-five (25) foot wide strip of land; thence from this POINT OF BEGINNING and along said centerline the following courses and distances:

N. 1°23'07"E., 605.03 feet;
S. 77°09'38"E., 180.99 feet;
S. 85°48'29"E., 285.86 feet;
N. 44°42'43"E., 976.41 feet;
N. 25°35'41"E., 104.55 feet;
N. 74°05'50"E., 122.13 feet to the POINT OF ENDING of said centerline of a twenty-five (25) foot wide strip of land and the Access Easement.

The purpose of the exchange is to acquire scenic lands that exhibit a high potential for multiple uses. The public interest will be well served by making the exchange.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The Reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All valid existing rights shown on the Master Title Plat on the date this Notice of Realty action becomes final.

3. Mineral estates will be transferred with the surface on both the non-Federal and Federal land.

4. There will be an easement reservation on a portion of the acquired non-Federal lands.

DATES: Detailed information concerning the exchange, including the Environmental Assessment and any record of public comment, is available for review at the Shoshone District Office, Bureau of Land Management, P.O. Box 2B, Shoshone, ID 83352.

SUPPLEMENTARY INFORMATION: For a period of 45 days interested parties may submit comments to the Shoshone District Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, ID 83352. Any adverse comments will be evaluated.

Dated: April 16, 1982.

Charles J. Haszier,

District Manager.

[FR Doc. 82-11240 Filed 4-22-82; 8:45 am]

BILLING CODE 4310-84-M

Utah; Intent To Hold Public Meeting on Two Emergency Coal Lease Applications in Carbon and Emery Counties, Utah and Request for Information on Fair Market Value

AGENCY: Bureau of Land Management, Interior.

ACTION: Public meeting and request for fair market value information.

SUMMARY: This notice advises the public that the Bureau of Land Management intends to hold a public meeting concerning three applications for coal leasing on public land under the "Emergency Leasing" provisions. The meeting is to provide the opportunity for the public to comment on and discuss the potential effects of mining the proposed leases, including impacts on the environment, other lands uses, other economic activities and community or regional services. This notice also requests comment on the Fair Market Value of the tracts under application.

DATES: The public meeting will be held May 5, 1982. Written comments on Fair Market Value will be received through 30 days from the date of this notice.

ADDRESS: The public meeting will be at 7:00 p.m. in the main building, College of Eastern Utah, Gomer Peacock Room, Price, Utah.

SUPPLEMENTARY INFORMATION: The coal applications being considered for leasing are as follows:

[U-05722]

Location: Adjacent the Soldier Creek Mine 12 miles northeast of Wellington, Utah.
Description: T. 13 S. R. 11 E., SLM. Sec. 12: E½W½, W½E½; Sec. 13: NW¼NE¼, NE¼NW¼.
Acres: 400 acres.
Estimated Underground Recoverable Reserve: 5.1 million tons.
Coal Quality: BTU—12,080–12,529 per lb., Ash—8.8%–12.1%, Sulfur—.55%–.85%.
Seam Thickness—4.1–10.0 feet.

[U-48492]

Location: Adjacent Beaver Creek No. 4 Mine, Manti-LaSal National Forest, 10 miles northwest of Huntington, Utah.
Description: T. 16 S. R. 7 E., SLM. Sec. 4: W½SW¼, S½SW¼NW¼, W½SE¼SW¼; Sec. 5: SE¼, S½SE¼NE¼, S½S½SW¼NE¼; Sec. 8: N½, N½SE¼; Sec. 9: N½SW¼, NW¼.
Acres: 950 acres.
Estimated Underground Recoverable Reserve: 4.9 million tons.
Coal Quality: BTU—10,786–13,300 per lb, Ash—3.90%–15.45%, Sulfur .59%–1.6%, Moisture 4.29%–9.18%, Seam Thickness—5.4–7.3 feet.

[U-49332]

Location: Adjacent Trail Mountain Mine, Manti-LaSal National Forest, 12 miles northwest of Orangeville, Utah.
Description: T. 17 S. R. 6 E., SLM. Sec. 25: S½NW¼, W½SW¼, W½E½SW¼; Sec. 26: SE¼NE¼, E½SW¼NE¼, E½SE¼, E½W½SE¼; Sec. 35: Lots 1 to 2, SE¼NE¼, E½SW¼NE¼, E½SE¼, E½W½SE¼.
Acres: 641.47.
Estimated Underground Recoverable Reserve: 4.9 million tons.
Coal Quality: BTU—12,517, Ash 8.38%, Sulfur .57%, Moisture 4.69%, Seam Thickness, 6–8 feet.

The purpose of the meeting is to obtain public comments on the potential impacts from leasing and subsequent mining of the lands under application. Environmental assessments are being prepared by the Bureau of Land Management, Price Area Office, and the Manti-LaSal National Forest.

The public is also invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the Minerals Management Service. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: The quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Information so marked will not be available to the public if it meets exemptions in the Freedom of Information Act. Comments should be sent to both the Utah State Director, Bureau of Land Management, 136 E. South Temple, SLC, 84111, and to the Deputy Minerals Manager—Resources Evaluation, Minerals Management Service, Box 25046, Denver Federal Center, Bldg. 85, Denver, Colorado 80225, to arrive no later than 30 days of the date of this notice.

Dated: April 19, 1982.
Roland G. Robison, Jr.,
State Director.
[FR Doc. 82-11239 Filed 4-22-82; 8:45 am]
BILLING CODE 4310-84-M

Utah: Coal Lease Offerings Uinta—Southwestern Utah Federal Coal Production Region

April 19, 1982.

Department of the Interior, Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. Notice is hereby given that certain coal resources in the tracts described below in Emery County, Utah will be offered for competitive lease by sealed bid of $3,567 or more per acre for North Horn Mountain Tract and $2,337 or more per acre for Rilda Canyon Tract followed by oral auction to the qualified bidder of the highest cash amount per acre in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437) as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 10:00 a.m., MDT, May 27, 1982, in Room 127 of the Salt Palace, 100 South West Temple, Salt Lake City, Utah. No bids received after 4:00 p.m., MDT, May 26, 1982, will be considered.

Coal Offered, North Horn Mountain Tract, U-47981

The coal resource to be offered is recoverable by underground methods in the following lands located approximately seven (7) miles west of Castle Dale, Utah:

T. 18 S., R. 6 E., SLM, Utah
Sec. 12, E½SE¼;
Sec. 13, E½E½;
Sec. 23, S½;
Secs. 24, 25, 26, 35, and 36, all.
T. 18 S., R. 7 E., SLM, Utah
Sec. 7, lots 3, 4, E½SW¼, S½NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 17, NE¼SW¼, S½SW¼, W½SE¼, SE¼SE¼;
Sec. 18, lots 1-7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (all);
Sec. 19, lots 1-4, E½W½, E½ (all);
Sec. 20, all;
Sec. 21, lot 4, S½NW¼, SE¼SE¼NW¼, SW¼;
Sec. 28, W½SW¼NE¼, SE¼SW¼NE¼, W½, NW¼SE¼, N½SW¼SE¼;
Sec. 29, all;
Sec. 30, lots 1-4, E½W½, E½ (all);
Sec. 31, lots 1-4, E½W½, E½ (all);
Sec. 32, all;
Sec. 33, SW¼NE¼, W½, W½SE¼.
T. 19 S., R. 7 E., SLM, Utah
Sec. 4, lots 2-4, W½SW¼NE¼, S½NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, W½W½SE¼;
Sec. 5, lots 1-4, S½N½, SW¼, W½SE¼, W½NE¼SE¼;
Sec. 8, NW¼NW¼NE¼, N½NE¼NW¼;
Sec. 9, NE¼NW¼, E½NW¼NW¼, NE¼SW¼NW¼, N½SE¼NW¼.
Containing 10,999.65 acres
Emery County

Coal in the tract is contained in the Blind Canyon and Hiawatha seams. Total recoverable reserves are estimated to be 112,100,000 tons.

Coal in the Blind Canyon seam averages 16.7 feet where main is unsplit, and where the seam is split the upper seam averages about 7.2 feet in thickness. Coal in the underlying Hiawatha seam averages approximately 7.1 feet in thickness. The seams are separated by 40 feet to more than 100 feet.

Coal quality must be inferred due to the fact that nearly all tract-specific quality data is proprietary. Coal quality in both seams is expected to average 12,500 Btu/lb. with more than 10 percent ash and more than 0.6 percent sulphur. The coal ranks as high volatile B bituminous.

Coal Offered, Rilda Canyon Tract, U-47977

The coal resource to be offered is recoverable by underground methods in the following lands located approximately twelve (12) miles west of Huntington, Utah:

T. 16 S., R. 7 E., SLM, Utah
Sec. 32, all.
Containing 640.00 acres
Emery County

Coal in the tract is contained in two beds, the Blind Canyon and the Hiawatha. Total recoverable reserves are estimated to be 7,480,000 tons.

Coal in the Blind Canyon and Hiawatha seams has an average thickness of 10.6 and 6.3 feet, respectively. The coal is expected to average, as received, approximately 12,490 Btu/lb. from the Blind Canyon bed, with 9.1 percent ash and 0.5 percent sulfur and approximately 12,720 Btu/lb. from the Hiawatha bed, with 7.6 percent ash and 0.5 percent sulfur.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 8.0 percent of the value of coal produced by underground methods and 12.5 percent of any coal produced by strip or auger mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions for each tract offered are included in the Detailed Statements of Lease Sale. Copies of the Statements and of the proposed coal leases are available at the Utah State Office. Case file documents are also available for public inspection.

Jens Jensen,
Acting Chief, Division of Operations.
[FR Doc. 82-11269 Filed 4-23-82; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations; Proposed Contractual Actions Pending Through June 1982

It is the policy of the Department of the Interior to afford the affected public an opportunity to be aware of and to provide comments on water service and repayment contract negotiations being conducted by the Bureau of Reclamation. Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of proposed contractual actions in each of the seven Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during April, May, or June of 1982. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the addresses and telephone numbers given for each region.

This notice is one of a variety of means being used to inform the public about proposed contractual actions. Some of the actons listed have been publicized in the **Federal Register** previously. When this is the case, the date of publication is given. Individual notice of intent to negotiate, and other appropriate announcements, will be made in the **Federal Register** for those actions found to have widespread public interest. In addition, a wide variety of local publicity resources are being used selectively to inform the public affected by a specific contract proposal.

Acronym Definitions Used Herein

(ID) Irrigation District

(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CVP) Central Valley Project
(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act

Pacific Northwest Region: Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, ID 83724, telephone (208) 334–9011.

1. Whitestone Reclamation District, Chief Joseph Dam Project, Washington; Amendatory repayment contract; Repayment obligation to be increased from $832,000 to $910,188; FR notice published July 31, 1980, Vol. 45, page 50943.

2. Boise Cascade Corporation, Columbia Basin Project, Washington; Industrial water service contract; 250 acre-feet; FR notice published April 7, 1980, Vol. 45, page 23531.

3. Potholes Reservoir Bank Storage Pumpers, Columbia Basin Project, Washington; Long-term irrigation water service contract not to exceed 320 acres or 1,000 acre-feet of water annually for a term of up to 40 years; FR notice published November 3, 1981, Vol. 46, page 54648.

4. East and Quincy Columbia Basin Irrigation Districts, Columbia Basin Project, Washington; Supplement No. 1 to the Master Water Service Contract; 20,000 acres of bypassed lands.

5. South Columbia ID, Columbia Basin Project, Washington; D&MC contract; $200,000 limitation.

6. Northwest Land and Investment, Inc., Columbia Basin Project, Washington; Temporary water service contract for 40 acre-feet.

7. Miscellaneous Water Users, Pacific Northwest Region, Idaho, Oregon, and Washington; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms of up to 2 years.

8. American Falls Reservoir District, Bureau of Indian Affairs, Idaho Power Company, and 33 irrigation districts, Minidoka Project, Idaho-Wyoming; Amendatory contract for American Falls Replacement Dam Program; Administrative amendments requiring no additional obligation; FR notice published October 15, 1981, Vol. 46, page 50858; Contract form approved March 31, 1982; Execution of the contracts is pending.

9. Rogue River Basin water users, Rogue River Project, Oregon; Water service contracts; $5 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water per contractor for terms up to 40 years.

10. Willamette Basin water users, Willimette Basin Project, Oregon; Water service contracts; $1.25 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

11. Prosser ID, Yakima Project, Washington; Emergency Fund repayment contract; $30,000 loan.

12. Outlook ID, Yakima Project, Washington; R&B loan repayment contract; $2,487,000 proposed obligation; FR notice published February 4, 1982, Vol. 47, page 5363.

13. Sunnyside Valley ID, Yakima Project, Washington; R&B loan repayment contract; $13,221,000 proposed obligation.

14. Granger ID, Yakima Project, Washington; R&B loan repayment contract; $1,111,000 proposed obligation.

15. Sunnyside Valley Board of Control, Yakima Project, Washington; R&B loan repayment contract; $15,901,000 proposed obligation.

16. Washington Water Power Company, Inc., Columbia Basin Project, Washington; Industrial water service contract; 24,000 acre-feet of water per year from Franklin D. Roosevelt Lake for the proposed Creston Powerplant; FR notice published December 11, 1981, Vol. 46, page 60658.

Mid-Pacific Region: Bureau of Reclamation, (Federal Office Building) 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 484–4680.

1. Laguna Water District, CVP, California; Water service contract; 800 acre-feet.

2. El Dorado ID, CVP, California; Water service contract; 3,700 acre-feet without Auburn Dam, 22,300 acre-feet with construction of Auburn Dam.

3. 4–E Water District, CVP, California; Water Service contract; 80 acre-feet; FR notice published October 3, 1979, Vol. 44, page 56991.

4. 2045 Drain Water Users Association, CVP, California; Water right settlement contract.

5. Stockton-East Water District, CVP, California; Interim Water service contract; 39,000 acre-feet from New Melones Reservoir.

6. Central San Joaquin Water Conservation District, CVP, California; Water service contract; 49,000 acre-feet firm supply and interim supplies from New Melones Reservior; FR notice published February 5, 1982, Vol. 47, page 5473.

7. Tuolumne Regional Water District, CVP, California; Water service contract; 9,000 acre-feet from New Melones Reservior; FR notice published February 5, 1982, Vol. 47, page 5473.

8. Calveras County Water District, CVP, California; Water service contract; 15,000 acre-feet from New Melones Reservior; FR notice published February 5, 1982, Vol. 47, page 5473.

Upper Colorado Region: Bureau of Reclamation, P.O. Box 11568, (125 South State Street) Salt Lake City, UT 84147, telephone (801) 524–5435.

1. Hammond Conservancy District, Hammond Project, CRSP, New Mexico; Emergency loan repayment contract, not to exceed $150,000.

2. Utah International, Inc., Navajo Unit, CRSP, New Mexico; Amendatory industrial water service contract; 35,300 acre-feet; FR notice published October 5, 1981, Vol. 46, page 48995.

3. Southern Ute Indian Tribe, Florida Project, Colorado; Amendatory contract to Contract No. 14–06–400–3038 of May 7, 1963; An Administrative action to provide for delivery of 181 acre-feet of water presently delivered outside the terms of the existing contract.

4. Miscellaneous water users, Upper Colorado Region, Utah, Wyoming, Colorado, and New Mexico; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms up to 2 years.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 427, (Nevada Highway and Park Street) Boulder City, NV 89005, telephone (702) 293–8536.

1. DeLuz Heights Municipal Water District, Fallbrook, California; SRPA loan amendatory repayment contract; $2,984,744 cost escalation adjustment.

2. Wellton-Mohawk IDD, North Gila Valley ID, Yuma ID, Yuma Mesa IDD, and Unit B IDD, Gila Project, Arizona; Transfer of the O&M responsibility for the Gravity Main Canal to districts; Administrative action.

3. City of Somerton and Yuma County Water Users Association, Boulder Canyon and Yuma Projects, Arizona; M&I water service contract; 750 acre-feet; FR notice published August 10, 1981, Vol. 46, page 40588.

4. Imperial ID, Boulder Canyon Project, Arizona; Transfer of O&M function for Imperial Dam and related works; Administration action.

5. Rainbow Municipal Water District, Fallbrook, California; SRPA loan amendatory contract; $9,090,800 cost escalation adjustment; FR notice published May 24, 1979, Vol. 44, page 30173.

6. Lake Havasu IDD for Horizon Six and Ansazi Pueblo, Boulder Canyon Project, Arizona; M&I water service contracts for 170 and 131 acre-feet per year, respectively.

7. City of Yuma, Boulder Canyon Project, Arizona; Amendatory M&I water service contract; 3,613 acre-feet.

8. Mohave County, Boulder Canyon Project, Arizona; M&I water service contract; 10,000 acre-feet per year; FR notice published June 11, 1979, Vol. 44, page 33497.

9. Ak Chin Indian Community, Maricopa, Arizona; SRPA loan repayment contract; $12,291,500 loan proposal.

10. Agricultural and M&I water users, Central Arizona Project, Arizona; Water service subcontracts; A certain per cent of available supply for irrigation entities and up to 640,000 acre-feet for M&I use.

11. City of Needles, California, and city of Parker, Arizona; contracts for Miscellaneous Present Perfected Rights; Pursuant to Supreme Court Decree of March 9, 1964, in *Arizona* v. *California* as supplemented on January 9, 1979, for 1,500 acre-feet and 630 acre-feet, respectively; Draft contracts submitted to cities for review and approval.

12. Wellton-Mohawk IDD, Gila Project, Arizona; D&MC contract for construction of bridges and crossing improvement and associated river channel improvement; estimated cost—$2,079,000; Contract form approved February 26, 1982; Contract execution pending completion of 60-day statutory congressional review period without objection or earlier approval by certain congressional committees.

Southwest Region: Bureau of Reclamation, (Commerce Building) 714 South Tyler, Suite 201, Amarillo, TX 79101, telephone (806) 378–5430.

1. Village of Questa, San Juan-Chama Project, New Mexico; M&I water service contract for 200 acre-feet annually; FR notice published January 25, 1980, Vol. 45, page 6178.

2. Fort Cobb Reservoir Master Conservancy District, Washita River Basin Project, Oklahoma; Amendatory repayment contract to convert 4,700 acre-feet of irrigation water to M&I use; FR notice published August 13, 1981, Vol. 46, page 40940.

3. City of Belen, San Juan-Chama Project, New Mexico; M&I water service contract for 500 acre-feet annually.

4. Foss Reservior Master Conservancy District, Washita River Basin Project, Oklahoma; Amendatory repayment contract for remedial work.

Upper Missouri Region: Bureau of Reclamation, P.O. Box 2553, (Federal Building, 316 North 16th Street) Billings, MT 59103, telephone (406) 657–6413.

1. Miscellaneous Water Users, Upper Missouri Region, Montana, Wyoming, North Dakota and South Dakota; Temporary (interim) water service contracts for surplus project water; Maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms of up to 2 years.

2. Individual irrigators, Canyon Ferry Unit, P–SMBP, Montana; Irrigation water service contracts not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

3. Crook County ID (formerly Belle Fourche-Wyoming Water Association), Keyhole Unit, P–SMBP, Wyoming; Repayment contract for irrigation storage; 10 percent (presently 18,500 acre-feet) of Keyhole Reservoir storage space as provided by Belle Fourche River Company; FR notice published August 21, 1980, Vol. 45, page 55842.

4. Belle River Pumpers Association, Keyhole Unit, P–SMBP, Wyoming; Repayment contract for irrigation storage; 3 percent (presently 5,550 acre-feet) of Keyhole Reservoir storage space; FR notice published March 29, 1982, Vol. 47, page 13234.

5. Montana Power Company, Yellowtail Unit, P–SMBP, Montana; Industrial water service contract; 6,000 acre-feet of water annually for Colstrip Power Complex; FR notice published February 3, 1981, Vol. 46, page 10544.

6. City of Powell, Shoshone Project, Wyoming; M&I water service contract; Up to 3,000 acre-feet of water annually from Buffalo Bill Reservoir; FR notice published May 5, 1981, Vol. 46, page 25146.

7. Town of Byron, Shoshone Project, Wyoming; M&I water service contract; Up to 600 acre-feet of water annually from Buffalo Bill Reservoir; FR notice published September 29, Vol. 46, page 47668.

8. ETSI Pipeline Project, Lake Oahe, P–SMBP, South Dakota; Industrial water service contract for coal slurry pipeline project; Up to 20,000 acre-feet of water annually; FR notice published October 23, 1981, Vol. 46, page 52040.

9. City of Riverton, Boysen Unit, P–SMBP, Wyoming; M&I water service contract; up to 4,000 acre-feet of water annually; FR notice published October 5, 1981, Vol. 46, page 48996.

10. West River Conservancy Sub-District, Shadehill Unit, P–SMBP, South Dakota; Irrigation water service contract; 5,808 acre-feet of water or 3 acre-feet per acre for 1,936 acres.

11. Rapid Valley Water Service Company, Rapid Valley Unit, P–SMBP, South Dakota; M&I water service contract; Up to 600 acre-feet annually.

12. Western Exploration and Development Company, Boysen Unit, P–SMBP, Wyoming; Industrial water service contract; 50 acre-feet annually.

13. Bill Larson, Arrowwood Gold Course, Canyon Ferry Unit, P–SMBP, Montana; Municipal water service contract for irrigation of golf course; Up to 490 acre-feet annually.

14. Deaver ID, Shoshone Project, Wyoming; R&B loan repayment contract; Up to $1.6 million.

15. Nokota Company, Lake Sakakawea, P–SMBP, North Dakota; Industrial water service contract; Up to 16,800 acre-feet annually.

Lower Missouri Region: Bureau of Reclamation, P.O. Box 25247, (Building 20, Denver Federal Center) Denver, CO 80225, telephone (303) 234–3327.

1. Casper ID, Kendrick Project, Wyoming; Water service contract; 7,000 acre-feet; FR notice published July 10, 1981, Vol. 46, page 35796.

2. Pacific Power and Light Company, Glendo Unit, P–SMBP, Wyoming; Interim water service contract; 2,000 acre-feet; FR notice published September 9, 1981, Vol. 46, page 45034.

3. State of Colorado, Bonny Reservoir, Armel Unit, P–SMBP, Colorado; Repayment contract; $3,320,815 of allocated costs; FR notice published October 6, 1980, Vol. 45, page 66215.

4. Pioneer ID, Colorado-Nebraska; Emergency Drought Act loan payment deferment; $19,000 payment deferral proposed.

5. H&RW ID, Frenchman-Cambridge Unit, P–SMBP, Nebraska; Amendatory water service contract; $1,200,000 outstanding; FR notice published February 5, 1982, Vol. 47, page 5472.

6. H&RW ID, Frenchman-Cambridge Unit, P–SMBP, Nebraska; Deferment of repayment obligation for 1981; $37,487 payment deferral; FR notice published July 1, 1981, Vol. 46, page 34423.

7. Basalt Water Conservancy District, Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado; M&I water service contract; 500 acre-feet; FR notice published November 17, 1981, Vol. 46, page 56509.

8. Miscellaneous Water Users, Lower Missouri Region, southeastern

Wyoming, Colorado, Nebrasks, and northern Kansas; Temporary (interim) water service contracts for surplus project water, maximum of 10,000 acre-feet annually per contractor for irrigation and maximum of 2,000 acre-feet annually per M&I contractor for terms up to 2 years; FR notice published February 16, 1982, Vol. 47, page 6725.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) All meetings or negotiating sessions scheduled by the Bureau of Reclamation with a potential contractor for the purpose of discussing terms and conditions of a proposed contract will be open to the general public as observers unless otherwise publicly announced. Advance notice of such meetings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(2) All written correspondence regarding proposed contracts will be made avialable to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383, 5 U.S.C. 552), as amended.

(3) All written comments received and testimony presented at any public hearing will be reviewed and summarized by regional staff for use by appropriate contract approving authority; i.e., Regional Director, Commissioner of Reclamation, or Secretary of the Interior.

(4) As specific proposed contracts become available for review and comment, copies may be obtained from the appropriate Regional Director identified above.

Dated: April 20, 1982.

Eugene Hinds,

Assistant Commissioner of Reclamation.

[FR Doc. 82-11257 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m., CST, on June 10, 1982, at the Jefferson Parish Council Chambers, 3330 North Causeway Boulevard, Metairie, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the development and implementation of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The preparation of the comprehensive interpretive program for Jean Lafitte National Historical Park will be discussed at this meeting.

The meeting wil be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, 400 Royal Street, Room 220, New Orleans, Louisiana 70130, telephone area code (504) 589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: April 14, 1982.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 82-11317 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-70-M

Eugene O'Neill National Historic Site; Meeting on Draft General Management Plan and Environmental Assessment

Notice is hereby given that the National Park Service will hold a public meeting in late May concerning the draft General Management Plan and its Environmental Assessment for Eugene O'Neill National Historic Site.

The meeting will be held Thursday, May 27, 1982, from 7:30 p.m. to 11:00 p.m. (PDT) in Monte Vista High School's Theater Hall, 3131 Stone Valley Road, Danville, California.

The purpose of the meeting is to solicit and hear the public's comments on the draft planning document. In so far as it is possible all those in attendance will have the opportunity to be heard. Depending, however, upon the number of people who wish to speak, a time limit on presentations may be imposed.

The National Park Service will also welcome and hold consultations with interested individuals, organizations and groups to insure that all those concerned will be able to share their ideas and suggestions during the plan's formulation process.

A General Management Plan is a long-range action document that guides the management, development and use of a unit of the National Park System. Copies of the draft document and Environmental Assessment are available by writing to Regional Director, National Park Service, Attention: Park Planning, 450 Golden Gate Avenue, Box 36063, San Francisco, Calif. 94102.

Anyone having questions about the proposed plan or the National Park Service's planning process may request the information from the address above.

The record will remain open until June 27 to receive written comments on the draft plan and they, too, should be submitted to the above address.

Dated: April 15, 1982.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 82-11315 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 2, 1982. Pursuant to section 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, D.C. 20243. Written comments should be submitted by May 11, 1982.

Carol D. Shull.

Acting Keeper of the National Register.

MASSACHUSETTS

Bristol County

Fall River, *Unitarian Society, The*, 309 N. Main St.

[FR Doc. 82-11316 Filed 4-23-82; 8:45 am]

BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Thursday, May 6, 1982 at 7:30 p.m. in the auditorium at Arthur E. Wright Middle School, 4029 Las Virgenes Road, Calabasas.

The Advisory Commission was established by Pub. L. 95–625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advise or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Mr. Peter Ireland
Mr. Bob Lovellette
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace

The major agenda item include the following:

Update on the Management of Parkland Study
Interim parking at Rancho Sierra Vista
Committee reports
Superintendent's status report

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by June 11, 1982, at the above address.

Dated: April 21, 1982.

Jean C. Henderer,

Chief, Division of Cooperative Activities, National Park Service, WASO.

[FR Doc. 82–11318 Filed 4–23–82; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79725. By decision of April 12, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Euma Trucking Corp. of Permit and Certificate No. MC–2788 and sub-numbers thereunder issued to Glover Trucking Corp. authorizing the transportation of (1) *general commodities* for the United States Government between points in the United States, (2) *clay, concrete, glass or stone products,* between points in Greensville County, VA, on the one hand, and, on the other, points in Gates, Hertford and Bertie Counties, NC, (3) *farm products, food and related products, and chemicals and related products,* between specified points in NC and VA, (4) *food and related products,* between specified points in PA, MD, VA, OH, NY, NJ, CT, MA, ME, NH, RI, VT, and NC, (5) *recreational products,* between points in VA, AL, CT, DE, FL, GA, IL, KY, LA, MS, MA, MD, ME, MI, MN, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WV, and DC, (6) *clay, concrete, glass or stone products and metal products,* between various points in MD, NJ, NY, PA, VA, and NC, (7) *pulp, paper and related products and lumber and wood products* between various points in MD, VA, NC, NY, DE, MD, NJ, PA, VA, WV, DC, OH, GA, SC, TN, and CT, (8) *chemicals and related products,* between points in the United Stats under continuing contract(s) with Glover Fertilizer & Grain Corp, (9) *general commodities,* between points in VA, NY, PA, OH, NJ, DE, MD, VA, TN, KY, NC, SC, IL, IN, GA, WV, and DC. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Building, Norfolk, VA 23510.

Note(s).—(1) Transferee is a non-carrier. (2) TA has been filed.

MC–FC–79726. By decision of April 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to M&M FARM LINES, INC., of Bertrand, MO, of Certificate No. MC–118127 and all subs thereunder, issued to HALE MOTOR LINES, INC., of Pomona, CA, which authorize the transportation, of specified commodities such as *frozen fruits, berries, vegetables, poultry, fish, foods, bakery products and meat,* from and to specified points in the states of AZ, CA, CO, CT, DE, ID, IL, IN, KS, KY, MA, MD, ME, MI, MO, MT, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, TN, TX, UT, VA, VT, WA, WI, WV, WY, and DC. Representative: William J. Augello, 120 Main Street, Huntington, NY 11743.

Notes.—TA has been filed. Transferee holds authority under No. MC–147632 and sub-numbers thereunder.

MC–FC–79734. By decision of April 12, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Seacoast Auto Parts, Inc., d.b.a. Parts Plus Automotive Service Center of Portsmouth, NH of Certificate No. MC–134253 issued March 2, 1971, to Joseph John O'Brien, Sr., d.b.a. O'Brien's Garage, of Portsmouth, NH, authorizing the transportation of *wrecked and disabled motor vehicles,* by use of wrecker equipment only, between points in ME, NH, and MA. Representative:

Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11262 Filed 4-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-5-85]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: April 16, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically 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 protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC 160209, filed January 22, 1982. Applicant: LAWLOR MOTOR EXPRESS, INC., d.b.a. PACKAGE DELIVERY EXPRESS AND PDX, 23759 Eichler Rd., Unit J, Hayward, CA 94545. Representative: Michael J. Stecher, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104, (415) 421-6743. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.— This application is directly related to MC-F-14787, filed January 22, 1982, and published in the **Federal Register** on March 31, 1982, whereby RWL Investments, Inc., seeks authority to control Lawlor Motor Express, Inc., d.b.a. Package Delivery Express and PDX through stock ownership, and to continue in control of DiSalvo Trucking Co., MC-96788, through stock ownership.

[FR Doc. 82-11261 Filed 4-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29879]

Railroads; Chicago & North Western Transportation Co.; Abandonment Exemption in Chicago, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* the proposed abandonment of a 0.7 mile line of rail in Cook County, Chicago, IL.

DATES: Exemption effective on May 26, 1982. Petitions to stay the effective date must be filed by May 6, 1982, and petitions to reopen must be filed by May 17, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th and Constitution Ave., NW., Washington, D.C. 20423

(2) Petitioner's representative: John T. VanGessel, Attorney, 165 N. Canal Street, Chicago, IL 60606.

Pleadings should refer to Finance Docket No. 29879.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: For further information, see the decision served in Finance Docket No. 29879. The full decision may be purchased by contacting TS Infosystems, Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423 or by calling toll-free 800-424-5403.

Decided: April 20, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, and Andre.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11259 Filed 4-23-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 303N)]

Railroads; Conrail Abandonment Between Phillips and End of Track, OH; Findings

Notice is hereby given pursuant to section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Phillips and End of Track in the County of Jefferson, OH, a total distance of 3.8 miles effective on March 11, 1982.

The net liquidation value of this line is $52,452. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line, it shall sell such line, and the Commission shall, unless the parties otherwise agree, establish an equitable

division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11260 Filed 4-23-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-165

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 160567 (Sub-II-1TA), filed February 16, 1982. Originally published in the **Federal Register** of March 1, 1982. Applicant: BARNES TRUCKING, INC., 13609 Colony Lane, Burton, OH 444021. Representative: Lewis S. Witherspoon, 2455 N. Star Rd., Columbus, OH 43221. Contract, irregular: *Spent hydrochloric and sulphuric acid, ferrous sulphate and ferrous chloride* between points in IL, MI, OH, NY, PA and WI, under continuing contract(s) with By-Products Management of OH, Inc. of Cleveland, OH. Supporting shipper(s): By-Products Management of OH, Inc., 17877 St. Clair Ave., Cleveland, OH 44110. The purpose of this republication is to show the State of MI which was omitted in the first publication.

MC 161018 (Sub-II-1TA), filed March 15, 1982. Originally published in the **Federal Register** on March 29, 1982. Applicant: C.W. FLETCHER, 594 E. Ohio St., Box 435, Circleville, OH 43113. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract: Irregular: General commodities, except commodities in bulk and classes A and B explosives,* between Columbus, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, SD, TN, TX, VA, WI, WV, under continuing contract(s) with Consolidated International, Inc. of Columbus, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Consolidated International, Inc., 2020 Corvair Blvd., Columbus, OH 43207. The purpose of this republication is to change the destination state of CO to CT, as it was incorrectly published originally.

MC 109736 (Sub-II-2TA), filed April 6, 1982. Applicant: CAPITOL BUS CO., P.O. Box 3353, Harrisburg, PA 17105. Representative: S. Berne Smith, P.O. Box 1166, Harrisburg, PA 17108-1166. *Common; regular: Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Gettysburg, PA and Atlantic City, NJ, serving all intermediate pts. between Gettysburg, PA and King of Prussia, PA; *Main Route:* From Gettsburg over US Hwy. 30 via York, PA, and Lancaster, PA, to junction US Hwy. 202, then over US Hwy. 202 to junction Interstate Hwy. 76 at King of Prussia, PA, then over Interstate Hwy. 76 to junction Interstate Hwy. 676, then over Interstate Hwy. 676 to junction New Jersey Hwy. 42, then over New Jersey Hwy. 42 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, NJ, and return over the same route. *Alternate Routes:* (1) from York, PA, over Pennsylvania Hwy. 462 to Lancaster, PA, and return over the same route; (2) from Lancaster, PA, over US Hwy. 222 to junction Interstate Hwy. 76 (Interchange 21), then over Interstate Hwy. 76 to King of Prussia, PA, and return over the same route; (3) from Lancaster, PA, over Pennsylvania Hwy. 272, to junction US Hwy. 222 at or near its junction with Interstate Hwy. 76 (Interchange 21), and return over the same route; and (4) from junction US Hwy. 30 and Business Hwy. 30 near Sadsburyville, PA, over Business Hwy. 30 to its junction with US Hwy. 30 near Exton, PA, for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 29 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 150939 (Sub-II-25TA), filed April 8, 1982. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *General Commodities (except Classes A and B explosives, household goods and commodities in bulk)* between points in FL, on the one hand, and, on the other, points in and east of WI, IL, KY, TN and MS, under continuing contract(s) with F.T.S., Inc. of Ft. Lauderdale, FL for 270 days. Supporting shipper: F.T.S., Inc., 5749 SW. 120th Ave., Ft. Lauderdale, FL 33318.

MC 152553 (Sub-II-2TA), filed April 13, 1982. Applicant: M. L. Kredovski, d.b.a. APPLIED TECHNOLOGY TRANSPORTATION, P.O. Box 46, Friedensburg, PA 17933. Representative: M. L. Kredovski (same as applicant). *Contract; irregular:* (1) *Hazardous waste,* from generators of said commodities, located in pts. in the U.S., to approved disposal facilities in Jacksonville, FL and Akron, PA, under continuing contract(s) with American Environmental Protection Corp., Jacksonville, FL and Gen Chem Chemical Management Co., Lititz, PA; and (2) *Recycled hazardous materials,* from Akron, PA to pts. in NJ, NY, MD, VA, and PA, under continuing contract(s) with Gen Chem Chemical Management Co., Lititz, PA, for 270 days. Supporting shipper(s): American Environmental Protection Corp., P.O. Box 37647, Jacksonville, FL 32205; Gen Chem Chemical Management Co., P.O. Box 118, Lititz, PA 17543.

MC 92068 (Sub-II-1TA), filed April 12, 1982. Applicant: BAILEY'S EXPRESS, 5100 Lawrence Place, Hyattsville, MD 20781. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Data Processing Cards* between Washington, DC, on the one hand, and on the other, New York, NY, and its commercial zones. An underlying ETA seeks 120 days authority. Supporting shipper(s)s: I.B.M.

Corporation, 1818 NY Ave., NE., Washington, D.C. 20002.

MC 143394 (Sub-II–29TA), filed April 14, 1982. Applicant: GENIE TRUCKING LINE, INC., 401 East Louther Street, P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract: Irregular: General Commodities (except class A & B explosives and household goods as defined by the Commission),* from pts. in CA to points east of the Mississippi River under continuing contract(s) with 7/24 Freight Sales, Inc., Modesto, CA for 270 days. Supporting shipper: 7/24 Freight Sales, Inc., P.O. Box 3981, Modesto, CA 95352.

MC 161433 (Sub-II–1TA), filed April 8, 1982. Applicant: GREAT AMERICAN TRANSPORT, INC., 5008 Byrd Industrial Dr., Richmond, VA 23231. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. *Contract,* irregular: *meats, meat products, meat byproducts and foodstuffs,* between points in Hanover County, VA, on the one hand, and, on the other, points in CO, IA, KS, NE, SD, TX and WI, under continuing contract(s) with Richfood, Inc., of Mechanicsville, VA. An underlying ETA seeks 120 days authority. Supporting shipper: Richfood, Inc., 6500 Windamere Place, Mechanicsville, VA 23111.

MC 161495 (Sub-II–1TA), filed April 13, 1982. Applicant: KEY TRANSPORT, INC., Route 47 West, Sidney, OH 45365. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. (1) *food products,* and (2) *materials, equipment and supplies used in the manufacture and distribution thereof* between Minster, OH on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX under continuing contract(s) with The Dannon Co., Inc. of Minster, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Dannon Co., Inc., 234 East First St., Minster, OH 45365.

MC 161473 (Sub-II–1TA), filed April 12, 1982. Applicant: KINGSGATE TRAVEL, 5600 Andover Dr., Dayton, OH 45449. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Passengers and their baggage in charter and special tour operations,* beginning and ending at points in Montgomery, Hamilton, Preble, and Clark Counties, OH, and extending to points in TN for 180 days. Supporting shippers: Order of Eastern Star, 3387 Niagara St., Cincinnati, OH 45239; Church of the Brethren, 416 Edgebrook St., Brookville, OH 45309; Carolyn Lemley, Tour Agent, 2255 South Smithville Rd., Dayton, OH 45420.

MC 152241 (Sub-II–2TA), filed April 12, 1982. Applicant: LANCASTER EXPRESS, INC., P.O. Box 7294, Lancaster, PA 17604. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011. *Meat and meat products,* from IA, NE, CO and KS to Philadelphia, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Francis B. Ellis Co., 3535 Front St., Phfladelphia, PA.

MC 148275 (Sub-II–4TA), filed April 12, 1982. Applicant: J. L. McCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. Contact, irregular: *Charcoal, charcoal briquettes and related items,* between Ridgley and Parsons, WV, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO, and NM. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Kingsford Company, P.O. Box 37340, Louisville, KY 40233.

MC 107012 (Sub-II–217TA), filed April 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with M. Fortunoff of Westbury Corporation, Westbury, NY, for 270 days. Supporting shipper: M. Fortunoff of Westbury Corp., 1300 Old Country Rd., Westbury, NY 11590.

MC 158859 (Sub-II–3TA), filed April 12, 1982. Applicant: O. DEAN TRANSPORTATION, INC., 405 W. Williamsburg Rd., Sandston, VA 12150. Representative: P. Owen Dean (same address as applicant). Contract, irregular: *Pulp and paper products, plastic and rubber products, machinery parts and supplies to manufacture same* between Richmond, VA; East Pepperell and Fitchburg, MA; Newark, DE; Ypsilanti, Rochester and Kalamazoo, MI; Adams and South Hadley, MA; Milford, NJ; Jay, ME; Berlin, NH; Bristol, PA; Chicago, IL; Perrysberg and Minerva, OH, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with James River Corp. of VA. An underlying ETA seeks 120 days authority. Supporting shipper(s): James River Corp. of VA, Tredegar St., Richmond, VA 23217.

MC 147313 (Sub-II–3TA), filed April 14, 1982. Applicant: JOHN PFROMMER, INC., Box 307, Douglassville, PA 19518. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Coke, in bulk,* from Delaware City, DE to York, PA, for 270 days. Supporting shipper: Keystone Coal Co., 232 Market St., York, PA 17405.

MC 153290 (Sub-II–2TA), filed April 12, 1982. Applicant: E.R. & C.E. POSEY, d.b.a. POSEY TRUCKING, 9911 East Idlewood Dr., Twinsburg, OH 44087. Representative: Ralph R. Roberts, 8508 Garfield Blvd., Cleveland, OH 44125. *Contract, irregular: Rolls of paper, aluminum, iron, steel sheets, rolls and plates, adhesives and various machine parts moving between plants for production,* between Cleveland, OH; Bristol, PA; Houston, TX; Mobile, AL; and Chicago, IL. Restricted to traffic moving under continuing contract(s) with Childers Products Co., Beechwood, OH, for 270 days. Supporting shipper(s): Childers Products Co., 23350 Mercantile Rd., Beechwood, OH 44122.

MC 108995 (Sub-II–1TA), filed April 12, 1982. Applicant: SCHUYLKILL VALLEY COAL LINES, INC., West Water Street, Mahanoy Plane, PA 17949. Representative: John M. Quain, 512 Swede Street, Norristown, PA 19401. (1) *Anthracite coal* from Schuylkill County, PA to pts. in NY, NJ, NH, RI, MA, CT and VT; and (2) *lime stone, land-fill scrap and other similar* commodities, from pts. in NY, NJ, NH, RI, MA, CT, and VT to Schuylkill Co., PA, for 270 days. Supporting shipper: S & S Coal Sales Co., Inc., 22 Millbrook Lane, Wakefield, MA 01880.

MC 140977 (Sub-II–1TA), filed April 12, 1982. Applicant: VALLEY EXPRESS, INC., 103 Walnut St., Elmwood Place, OH 45216. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Hospital and laboratory instrumentation, apparatus, materials and supplies, except commodies in bulk,* between Cincinnati, OH, on the one hand, and, on the other, points in IN, KY, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Curtin-Matheson Scientific, Inc., 12101 Centron Place, Cincinnati, OH.

MC 123314 (Sub-II–1TA), filed April 12, 1982. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, PA 17241. Representative: John F. Walter, P.O. Box 175, Newville, PA 17241. *Food and Related Products,* from the facilities of Heinz USA, at Pittsburgh, PA to points in MI and from the facilities of Heinz USA, at Holland, MI to points in OH and PA, for 270 days. Supporting shipper:

Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 47171 (Sub-3–16TA), filed April 13, 1982. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *Contract Carrier:* irregular routes. *General commodities (except classes A & B explosives, household goods as defined by the Commission and commodities in bulk)* between points in the U.S. in and east of WI, IL, KY, TN, MS, and LA under a continuing contract with Melville Private Cartage, 1125 Pearl Street, Brockton, MA 02401.

MC 161504 (Sub-3–1TA), filed April 14, 1982. Applicant: GEORGIA MOUNTAIN TOURS, Rte. 3, Box 510, Dahlonega, GA 30533. Representative: Frank J. Kraft (same address as applicant). *Passengers and their baggage in charter operations* from Dahlonega, Gainesville, Cleveland, Helen, Ellijay and Chatsworth GA to Knoxville, TN and return. Supporting shippers: There are 8 support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 2934 (Sub-3–43TA), filed April 14, 1982. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract* Carrier: Irregular *Household Goods;* between points within the Continental U.S. under continuing contracts with Hyatt Hotel Corporation, 9700 W. Bryn Mawr Avenue, Rosemont, IL 60018: Supporting Shipper: Hyatt Hotel Corporation, 9700 W. Bryn Mawr Avenue, Rosemont, IL 60018.

MC 148130 (Sub-3–1TA), filed April 12, 1982. Applicant: SHARP TRANSPORT, INC., Rte. 1, Box 20, Ethridge, TN 38456. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Contract* carrier: irregular: *Electrical appliances and parts,* between Fayetteville, TN and Huntsville, AL, on the one hand, and, on the other, points in the U.S., under continuing contract with Tennessee Fan Co., A Division of Matsushita Electric Corp. of America. Supporting Shipper: Tennessee Fan Co., A Division of Matsushita Electric Corp. of America, 1780 Wilson Parkway, Fayetteville, TN 37334.

MC 119837 (Sub-3–2TA), filed April 12, 1982. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois, Memphis, TN 38106. Representative: Ralph D. Golden, Suite 2348, 100 North Main, Memphis, TN 38103. *Contract* carrier: irregular: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, hazardous waste materials, and those requiring special equipment), under continuing contract with U.S. Freight Forwarder Co., Inc.,* between Memphis, TN., on the one hand, and, on the other, points in the U.S. (excluding AK and HI. Supporting shipper: U.S. Freight Forwarder Co., Inc., P.O. Box 161031, Memphis, TN. 38116.

MC 138308 (Sub-3–27TA), filed April 13, 1982. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Chemicals and related products (except classes A and B explosives and commodities in bulk)* between points in the U.S. (except AK and HI). Supporting shipper: Accron Chemical Distributors Houston-San Antonio, Inc., 4700 B Blaffer, Houston, TX 77028.

MC 158433 (Sub-3–1TA), filed April 13, 1982. Applicant: BURKE INTERNATIONAL TOURS, INC., P.O. Box 880, Newton, NC 28658. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract:* Irregular: *Passengers and their baggage, in the same vehicle with passengers,* between points in Catawba, Lincoln, Alexander, Burke, McDowell, Buncombe, and Mecklenburg Counties, NC, on the one hand, and, on the other, points in the U.S. (except HI), under continuing contract(s) with Institutional Financial Services, Inc., dba Nancy & Udean Christian Tours, of Newton, NC. Supporting shipper: Institutional Financial Services, Inc., d.b.a. Nancy & Udean Christian Tours, P.O. Box 880, Newton, NC 28658.

MC 145154 (Sub-3–14TA), filed April 13, 1982. Applicant: YOUNG'S TRANSPORTATION CO., 3401 Norman Berry Drive, Suite 246, East Point, GA 30344. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Contract* carrier, irregular *plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Dansco Corporation of Atlanta, GA. Supporting shipper: Dansco Corporation, 6303 Barfield Road, NE., Suite 211, Atlanta, GA 30328.

MC 148540 (Sub-3–2TA), filed April 13, 1982. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Anhydrous ammonia, in bulk, in tank vehicles,* from the facilities of Agrico Chemical Co., at or near Blytheville, AR, to points in KY, LA, MS, MO and TN. Supporting shipper: Miss. Chemical Corp., P. O. Box 388, Yazoo City, MS 39194.

MC 156331 (Sub-3–3TA), filed April 12, 1982. Applicant: MD ASSOCIATES, 3220 Phillips Highway, Jacksonville, FL 32207. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Fibreboard boxes, corrugated, K.D.F., from Fernandina Beach, FL to points in GA and SC. Supporting shipper: Container Corporation of America, 5853 E. Ponce de Leon Avenue, Stone Mountain, GA 30086.*

MC 161480 (Sub-3–1TA), filed April 13, 1982. Applicant: TIE DOWN ENGINEERING, INC., d.b.a. TDE TRUCKING, 5901 Wheaton Dr., Atlanta, GA 30336. Representative: K. Edward Wolcott, 235 Peachtree St., NE., 1200 Gas Light Tower, Atlanta, GA 30303. *Scrap metal and metal articles for recycling,* from Atlanta, GA and its commercial zone to Charlotte, NC and its commercial zone. Supporting shipper: David J. Joseph Company, 300 Pike St., Cincinnati, OH 45201.

MC 152544 (Sub-3–15TA), filed April 14, 1982. Applicant: CYPRESS TRUCK LINES, INC., 1746 East Adams Street, Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Wire and Wire Products,* from Perth Amboy, NJ to McBee, SC and from McBee, SC to points in the U.S. (except HI and AK). Supporting shipper: Mar-Mac Manufacturing Co., Inc., Highway 1 North, McBee, SC 29101.

MC 161499 (Sub-3–1TA), filed April 14, 1982. Applicant: FLORENCE BERRYHILL AND WAYNE BERRYHILL, d.b.a. MITCHELL EXPRESS, Route 4, Box 9, Bakersville, NC 28705. Representative: Joseph L. Steinfeld, Jr., Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Passengers and their baggage, in charter and special operations, limited to transportation vehicles with a seating capacity not exceeding 15 passengers* beginning and ending at points in Mitchell County, NC, and extending to points in TN and SC. Supporting witnesses: There are eight witnesses supporting to this application which may be reviewed at the ICC Regional office in Atlanta, Ga.

MC 146180 (Sub-3–7 TA), filed April 14, 1982. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459–A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite

1000, 1029 Vermont Avenue, NW, Washington, D.C. 20005. *Contract carrier:* irregular: *ornaments and decorations, and materials and supplies used in the manufacture and distribution thereof,* between the facilities of Rauch Industries, Inc., located at or near Gastonia, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Rauch Industries, Inc., of Gastonia, NC. Supporting shipper: Rauch Industries, Inc., 6048 South York Road, Highway 321 South, Gastonia, NC 28052.

MC 161418 (Sub-3–1 TA), filed April 16, 1982. Applicant: CINEVISION BUS TOURS, d.b.a. THE MOVIE BUS COMPANY, 1771 Tullie Circle, N.E., Atlanta, Georgia 30329. Representative: Richard Cooper, (same address as applicant). *Passengers and their baggage in Special and Charter Service* between Atlanta, GA Commercial Zone and World's Fair Site, Knoxville, TN. Supporting shippers: Globetrotters, Inc., 241 West Wieuca Rd., Atlanta, GA 30342; Your Travel Agent Sam Massell, 3330 Peachtree St., NE., Atlanta, GA 30329; Five Star Travel, 1584 Tullie Circle, Suite 132, Atlanta, GA 30329; A La Carte Travel, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 161505 (Sub-3–1 TA), filed April 14, 1982. Applicant: ALAPLEX TRANSPORTATION, INC., P.O. Box 454, Boaz, AL 35957. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Margarine, shortening and peanut butter,* between the facilities of Sunnyland Refining Company, at or near Birmingham, AL, on the one hand, and, on the other, all points in the states of PA, NY, NJ, DE, CT, RI and MA. Supporting shipper: Sunnyland Refining Company, 3330 10th Avenue North, Birmingham, AL 35234.

MC 119917 (Sub-3–9 TA), filed April 15, 1982. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, SE, Atlanta, GA 30316. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *General commodities (except in bulk, household goods and classes A and B explosives),* (1) from Sylacauga, AL; Cartersville, Dalton, McIntyre, Sandersville, Tate, Tifton and Valdosta, GA; New Orleans, LA; Charlotte, Spruce Pine and Robbins, NC; Aiken, Graniteville, Lancaster, Langley, Spartanburg and Spring Mills, SC, and Etowah, TN, to Philadelphia, PA and its Commercial Zone, and (2) from Philadelphia, PA and its Commercial Zone to Atlanta, GA; Chicago, IL; Detroit, MI; St. Louis, MO; Charlotte, NC; Cleveland, OH; Charleston, SC and their Commercial Zones. Supporting shipper: West Coast Shippers Association, 2000 South 71st Street, Philadelphia, PA 19142.

MC 160728 (Sub-3–1TA), filed March 15, 1982. Republication—Originally published in the Federal Register of March 29, 1982, Volume 47 No. 60, Page 13239. Applicant: SMOKEY TRUCKING, INC., R.R. 2, Ogg Rd., Knoxville, TN 37917. Representative: William T. Key (same as applicant). *Metallic ores, ordinances and accessories, clay, concrete, glass, primary metal products, fabricated metal products and waste or scrap materials.* Between points in the U.S. (except AK and HI). Supporting shipper: Metal Exchange Corporation, 111 West Port Plaza Dr., Suite 704, St. Louis, MO 63141.

MC 159818 (Sub-3–1TA), filed February 26, 1982. Republication—Originally published in the Federal Register March 10, 1982, Volume 47 No. 47, Page 10302. Applicant: HAYWOOD TRANSIT, INC., Rt. 2, Box 331, Canton, NC 28716. Representative: Arthur F. Huber (same address as applicant). *Passenger and their baggage in Charter and special operations* beginning and ending in points in Haywood County, NC and Knoxville, TN. Supporting shipper: Haywood County, jointly with Maggie Valley Area Chambers of Commerce, P.O. Box 125, Waynesville, NC 28716.

MC 140902 (Sub-3–14TA), filed April 15, 1982. Applicant: DPD, INC., 3600 NW 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract;* irregular; *Sizing material,* from Maple Shade, NJ to Vancouver and Hoquiam, WA under continuing contract(s) with ARMAK: Pioneer Chemical Division. Supporting shipper: ARMAK: Pioneer Chemical Division, P.O. Box 237, Maple Shade, NJ 08052.

MC 156778 (Sub-3–5TA), filed April 15, 1982. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Don Moore. *Contract carrier,* irregular routes; *Textile products,* from points in the U.S. (except AK & HI), to the facilities of Houston Associated Floors, Inc., Houston, Texas, under continuing contract(s) with Houston Associated Floors, Inc., Houston, Texas. Supporting shipper: Houston Associated Floors, Inc., P.O. Box 16655, Houston, TX 77222.

MC 153557 (Sub-3–4TA), filed April 15, 1982. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, 702 McClure Building, Frankfort, KY 40601. *Printed Matter and the materials and supplies used in the printing industry,* between facilities utilized by R. R. Donnelley Company at points in the U.S., on the one hand, and, on the other, points in AL, AR, CT, FL, GA, IL, IN, IA, KY, LA, MA, MD, MI, MN, MS, MO, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and WI. Supporting shipper: R. R. Donnelley & Sons, Donnelley Drive, Glasgow, KY 42141.

MC 149011 (Sub-3–2TA), filed April 15, 1982. Applicant: RDR, INC., 3600 NW 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract;* irregular; *cans, bottles and paper products* from Atlanta, GA and its commercial zone to Cleveland, TN under continuing contract(s) with Johnston Coca-Cola Bottling Company. Supporting shipper: Johnston Coca-Cola Bottling Company, Refreshment Lane, P.O. Box 88, Cleveland, TN 37311.

MC 158932 (Sub-3–1TA), filed April 15, 1982. Applicant: SMITH TOURS, INC., P.O. Box 1460, Henderson, KY., 42420. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005 *Contract Carrier:* irregular routes: *Passengers and their baggage* in the same vehicle, in charter service, in sight-seeing and pleasure tours, beginning and ending at points in IL, IN, KY and TN, and extending to points in AR, CO, DC, IL, IN, KY, KS, MA, MO, NV, NY, SD, TN, UT, VA, and WY, under a continuing contract with W. T. Smith, dba Smith Tours. Supporting shipper: W. T. Smith, dba Smith Tours P.O. Box 1460, Henderson, KY 42420.

MC 16129 (Sub-3–1TA), filed April 16 1982. Applicant: DOCKSIDE, INC., 3350 S. Fletcher Avenue, Suite 7, Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract carrier:* (1) *Paper products* (2) *Materials and supplies used in the manufacture of paper products* (1) From Folkston, GA to points in the U.S. (except AK and HI) (2) From points in the U.S. (except AK and HI) to Folkston, GA. Supporting shipper: Railside, Inc., 100 Sack Drive, Folkston, GA 31537.

MC 145154 (Sub-3–15TA), filed April 16, 1982. Applicant: YOUNG'S TRANSPORTATION CO., 3401 Norman Berry Drive, Suite 246, East Point, GA 30344. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. *Pet food and materials and supplies used in the manufacture and distribution thereof,* between the facilities of Kal Kan Food, located at or near Columbus, OH, Mattoon and Peoria, IL, Ogden, UT, and

Irvine and Vernon, CA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Kal Kan Foods, P.O. Box 58853, Vernon, CA 90058.

MC 2934 (Sub-3–44TA), filed April 16, 1982. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowery (same as above). *Contract:* irregular: *Electronic equipment and components;* between points within the U.S. under continuing contracts with Micro-Data Corporation, 17481 Redhill Avenue, Irvine, CA 92714. Supporting shipper: Micro-Data Corporation, 17481 Redhill Avenue, Irvine, CA 92714.

MC 159618 (Sub-3–2TA), filed April 15, 1982. Applicant: RYAN BROS. TRUCKING, INC., P.O. Box 506, Highway 11 N., Trenton, GA 30752. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Textile mill products* between points in Dade County and Murray County, GA, on the one hand, and points in KY, AL, MS, GA, FL, SC, NC, VA, TN, LA, TX and AR, on the other. Supporting shippers: Trenton Spinning Mills, Route 1, Trenton, GA 30752; Progress Carpets, P.O. Box 787, Chatsworth, GA 30705.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 13070 (Sub-4–1TA), April 8, 1982. Applicant: GERALD P. LIPPOLD and RODNEY L. ARNEDTT, d.b.a. LIPPOLD & ARNETT, 1302 So. Broad St., Carlinville, IL 62626. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular *Bakery products,* from St. Louis, MO to Monticello, IL. Restricted to traffic moving under continuing contract(s) with Nabisco Brands, Inc. An underlying E/T/A seeks 120 days authority. Supporting shipper: Nabisco Brands, Inc., East Hanover, NJ 07936.

MC 109490 (Sub-4–2TA), Filed April 13, 1982. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53967. Representative: Ronald E. Laitsch, 108 S. Second Street, Watertown, WI 53094. (1) *lawn and garden fertilizer and (2) ice melter* from Viroqua, WI, to points in TX, OK, KS, CO, NE, SD, MN, IA, MO, IL, MI, IN, OH, MD, and NJ. Supporting shipper: Howard Johnson's Enterprises, Inc., Box 67 Railroad Ave., Viroqua, WI 54665.

MC 113751 (Sub-4–14TA), filed April 12, 1982. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Empty containers and corrugated boxes* between Fairless Hills, PA, Chicago, IL, and Cleveland, OH, on the one hand and, on the other hand, points within IA, IL, MI, and WI. An underlying ETA seeks 120 days authority. Supporting shippers: Consolidated Can Company, 199 Canal Road, Fairless Hills, PA 19030; and MacMillan Bloedel Containers, Div. of MacMillan Bloedel, Incorporated, 5555 West 73rd Street, Chicago, IL 60638.

MC 123978 (Sub-4–1TA), filed April 12, 1982. Applicant: RICHEY & STEWART, INC., P.O. Box 235, Scottsburg, IN 47170. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract: Irregular, food and related products, and materials, equipment and supplies used in the manufacture of same,* between Austin, IN on the one hand, and on the other, Jacksonville and Tampa, FL; Atlanta and Norcross, GA; Rossford, OH; North Lake, IL; Charlotte, NC; Memphis, TN; Harvey, LA; Austin, Houston and Dallas, TX. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 W. Valencia Drive, Fullerton, CA 92633.

MC 143885 (Sub-4–1TA), filed April 12, 1982. Applicant: HARLAND A. WILCOX and LEROY H. WILCOX, d.b.a., WILCOX TRUCKING, 206 Charles Street, Elk Rapids, MI 49629. Representative: Rick A. Rude, Esq., Suite 611, 1730 Rhode Island Ave., NW., Washington, D.C. 20036, (AC202) 223–5900. *Canned Goods,* and Materials, Equipment, and Supplies used in the manufacture and distribution of such commodities, between Shelby, MI, on the one hand, and, on the other, points in the U.S. Supporting shipper: Oceana Canning Company, 97 West 2nd Street, Shelby, MI 49455.

MC 146071 (Sub-4–8TA), filed April 12, 1982. Applicant: DEETZ TRUCKING, INC., 316 Oak Street, Strum, WI 54770. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Dairy products and orange juice* from Green Bay, WI, to points in PA, MA, NJ and NY. Supporting shipper: Joseph L. Stalec, Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 146109 (Sub-4–1TA), filed April 12, 1982. Applicant: B & E MOBILE HOME SERVICE, INC., 115 Valley View Road, North Redwood, MN 56275. Representative: John H. Schnobrich, Estebo, Carey, Schnobrich, Frank & Emmings, Ltd., 315 South Washington Street, Redwood Falls, MN 56283. *Contract* Irregular: *Lumber and wood products,* including but not limited to Mobile Homes and Modular Homes between Worthington, MN and all points in the continental U.S. Restricted to traffic moving under contracts with Commodore Homes. Supporting shipper: Commodore Homes, Worthington, MN 56187.

MC 146438 (Sub-4–7TA), filed April 12, 1982. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Food* and *related items* between the facilities of Bil-Mar Foods, Inc. in Zeeland, MI, on the one hand, and on the other, points in the U.S., except AK and HI. Supporting shipper: Bil-Mar Foods, Inc., 8300 96th St., Zeeland, MI 49464.

MC 152706 (Sub-4–4TA), filed April 12, 1982. Applicant: MIDWEST OIL TRANSIT, INC., Post Office Box 68083, Indianapolis, IN 46268. Representative: Robert B. Hebert, HARRISON & MOBERLY, 777 Chamber of Commerce Building, Indianapolis, IN 46204. *Gasoline and fuel oil* from Robinson, IL to Terre Haute, Greencastle, Plainfield, and Indianapolis, IN, via irregular routes. Supporting shipper: United Oil Service, Inc., 5436 Brookville Road, Indianapolis, IN 46211.

MC 154127 (Sub-4–5TA), filed April 12, 1982. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School Street, P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204–3491. *General commodities (except Classes A and B explosives, commodities in bulk, and household goods), having a prior or subsequent movement by rail,* between points in the Chicago, IL, commercial zone, on the one hand, and, on the other, points in MI. Supporting shipper: Clipper Express, Inc., 3401 West Pershing, Chicago, IL 60632.

MC 154127 (Sub-4–6TA), filed April 12, 1982. Applicant: A. LUURTSEMA PRODUCE, INC., P.O. Box 67, 5367 School Street, Hudsonville, MI 49426. Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular, *Food and related products,* from Oceana County, MI to points in IL, IN, OH, and WI, under contract or continuing contracts with New Era Canning Company, New Era, MI, for 270 days. An underlying ETA seeks 120 days of operating authority. Supporting shipper: New Era Canning Company, Oceana Drive, New Era, MI 49446.

MC 154127 (Sub-4–7TA), filed April 12, 1982. Applicant: A. LUURTSEMA PRODUCE, INC., P.O. Box 67, 5367 School Street, Hudsonville, MI 49426.

Representative: Michael D. McCormick, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract, irregular, Food and related products,* between Oceana County, MI, on the one hand, and, on the other, points in IL, IN, KY, MN, OH, and WI, under a contract or continuing contracts with Oceana Canning Company, Shelby, MI, for 270 days. An underlying ETA seeks 120 days of operating authority. Supporting shipper: Oceana Canning Company, P.O. Box 156, Shelby, MI 49455.

MC 155118 (Sub-6TA), filed April 4, 1982. Applicant: T.D.S. TRANSPORTATION, INC., 1700 S. Wolf Road, Des Plaines, IL 60018. Representative: H. Barney Firestone, Esq., SULLIVAN & ASSOCIATES, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract; irregular, Underwear,* between Bowling Green, Campbellsville and Frankfort, KY and St. Martinsville, LA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Union Underwear Co., P.O. Box 780, Bowling Green, KY 42101.

MC 156148 (Sub-4–2TA), filed April 8, 1982. Applicant: AMERICAN CHARTER, INC., 2907 11th St., Rock Island, IL 61201. Applicant's representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. *Passengers and their baggage,* in the same vehicle with passengers, in round-trip, charter and special operations, beginning and ending at points in Rock Island, Henry and Mercer Counties, IL, and Scott County, IA, and extending to points in the United States. Supporting shippers: Masquat Shriners Temple #141, 506 14th Street, Rock Island, IL 61201; VFW Post #2153. 1721 7th Street, Moline, IL 61265; VFW Post #2056, 722 15th St., East Moline, IL 61244; VFW Post #1303, 113 18th Street, Rock Island, IL 61201; VFW Post #4177, 642 West 8th Avenue, Milan, IL 61264; American Legion Post #227, 8th St. & 16th Avenue, Moline, IL 61244; Third Missionary Baptist Church, 2104 Eastern Avenue, Davenport, IA; Esquire Lodge 1648 IBPOE OFW, 1008 20th Avenue, Rock Island, IL 61201.

MC 157457 (Sub-4–13TA), filed April 13, 1982. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th Street, Elkhart, IN 46516. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600 Chicago, IL 60603. *Such Commodities as are dealt in or utilized by manufacturers of furniture* between Syracuse, IN on the one hand, and, on the other, Ottawa, KS; Clarion, PA; Chillicothe, MO; Leola, PA; Marshfield, Dorchester and Spencer, WI. Supporting shipper: Ener-Trek Corporation, P.O. Box 84, Syracuse, IN 46567.

MC 157760 (Sub-4–6TA), filed April 12, 1982. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53215. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. *Buses, in driveaway movements,* between Alameda County, CA, on the one hand, and points in GA, TX, NY, WA, CO, and NV, on the other hand. Supporting shipper: Gillig Corporation, P.O. Box 3008, Hayward, CA 94540. An underlying ETA seeks 120 days' authority.

MC 160670 (Sub-), filed April 13, 1982. Applicant: HILL'S ENTERPRISES INC. OF SOUTHWESTERN MICHIGAN 6447 Niles Road, St. Joseph, MI 49085. Representative: Nancy J. Amabile, 29891 Red Arrow Highway, Paw Paw, MI 49079. *Contract* irregular: *Auto parts and materials used in the manufacture of auto parts* between points in MI, OH, IN, TN, IL, and NC under continuing contract(s) with Auto Specialties Manufacturing Co. Supporting shipper: Auto Specialties Manufacturing Co., 643 Graves St., St. Joseph, MI 49085.

MC 161224 (Sub-4–1TA), filed April 8, 1982. Applicant: DOUG JILEK and MAYNARD JILEK, d.b.a. D & M TRUCKING, Route 4, Dickinson, ND 58601. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056. *Salt, chemicals, fertilizers and equipment and supplies used in the manufacture, processing, blending, mixing, production and distribution thereof,* from the facilities of Great Salt Lake Minerals and Chemicals Corporation in Salt Lake and Weber Counties, UT, to points in ND, SD, MN, MT, CO, and WY, and vice versa. Underlying ETC seeks 120 days authority. Supporting shipper: Great Salt Lake Chemicals & Minerals Corporation, P.O. Box 1190, Ogden, Utah 84402.

MC 161464 (Sub-4–1TA), filed April 12, 1982. Applicant: D & G LEASING CO. OF ALBION, 13424 28½ Mile Road, Albion, MI 49224. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. Transporting *wire and wire products* between points in Lake County, IN, Lorain County, OH and Will County, IL, on the one hand, and, on the other, points in Kent and Calhoun Counties, MI. An underlying ETA seeks 120-day authority. Supporting shipper: Decker Manufacturing Corp., 703 N. Clark Street, Albion, MI 49224.

MC 161466 (Sub-4–1TA), filed April 12, 1982. Applicant: RODNEY AND RANDALL PAGE, d.b.a. PAGE BROTHERS TRUCKING, R.R. 1, Box 89, DeSmet, SD 57231. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103. *Fertilizer and fertilizer ingredients,* from Sioux City and Council Bluffs, IA and Minneapolis, MN, and points in their respective commercial zones, to points in Beadle, Brown, Hamlin, Kingsbury and Spink Counties, DS. Supporting shippers: South Dakota Wheat Growers Ass'n., Aberdeen, SD, Farmers Elevator Co., Bryant, SD, and Badger Farmers Coop, Badger, SD.

MC 15735 (Sub-4–12TA), filed April 16, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680 *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under a continuing contract with General Mills, Inc. Supporting shipper: General Mills, Inc., Minneapolis, MN 55440.

MC 124408 (Sub-4–11TA), filed April 15, 1982. Applicant: THOMPSON BROS., INC., P.O. 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Such commodities as are dealt in by wholesale distributors of food and related products,* from points in AZ, CA, FL, IL, IA, KS, MN, TX, WA, and WI, to the facilities of Nash-Finch Company of Fargo, ND. Supporting shipper: Nash-Finch Company, 3101—12th Ave. North, P.O. Box 2368, Fargo, ND 58108.

MC 129410 (Sub-4–1TA), filed April 16, 1982. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 29 South LaSalle Street, Suite 905, Chicago, IL 60603. *Food and related products,* from the facilities of Penick & Ford, Limited at Linn County, IA to points in IL, IN and WI. Supporting shipper: Penick & Ford, Limited, 1001 First Street, SW., Cedar Rapids, IA 52404.

MC 145217 (Sub-4–3TA), filed April 15, 1982. Applicant: RICHARD McNAY, INC., Rural Route 8, Quincy, IL 62301. Representative: Joel H. Steiner, 29 South LaSalle, Suite 905, Chicago, IL 60603. *Coal and coal products,* between points in IA and IL. Supporting shipper: Material Energy Sales Corporation, P.O. Box 1587, Mt. Vernon, Illinois 62864.

MC 145505 (Sub-4–3TA), filed April 15, 1982. Applicant: IRISH TRANSPORTATION, INC., 8007 South Meridian St., Indianapolis, IN 46227. Representative: Robert B. Hebert, Harrison & Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. *Motor vehicles,* (except truck

mounted and self-propelled cranes, and self-propelled mine, well and quarry drilling equipment) in drive-away service (1) between Cleveland, NC on the one hand, and on the other, Seattle, WA and Chicago, IL; and (2) between points in Cleveland, NC, Orlando, FL, Dugway Proving Grounds, Salt Lake City, UT, and Aberdeen Proving Grounds, Aberdeen, MD: and (3) from Hayward, CA to Savannah, GA, Corpus Christi, TX, Bremerton, WA, Utica, NY, Aspen, CO, Laredo, TX, Chicago, IL, and points in Suffolk County, NY. Supporting shippers: M.A.N. Truck & Bus Corp., P.O. Box 319, Cleveland, NC 27013; Gillig Corporation, 25800 Clawiter Road, Hayward, CA 94540.

MC 146753 (Sub-4–10TA), filed April 16, 1982. Applicant: SAM YOUNG, INC., P.O. Box 337, Wolcott, IN 47995. Representative: Norman T. Fowlkes III, 1919 Pennsylvania Avenue, NW., Suite 500, Washington, DC 20006. *Rubber and plastic products and chemicals* (except in bulk), between points in Vigo County, IN and Beauregard Parish, LA, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Ampacet Corporation, 3701 N. Fruitridge Avenue, Terre Haute, IN 47808.

MC 150103 (Sub-4–16TA), filed April 14, 1982. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington Street, Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Air filters* from Henderson and Kenly, NC; Syracuse, NY; Grand Rapids, MI; and Groesbeck, TX to Countryside, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Air Filter Engineers, Inc., 441 East Plainfield Road, Countryside, IL 60525.

MC 152935 (Sub-4–14TA), filed April 15, 1982. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, Hillenbrand Industries, Inc., Highway 46, Batesville, IN 47006. *Contract Carrier*, irregular routes: *plastic containers and drums for chemicals* between Houston, TX and points in Pelham, AL; Elkhart and Indianapolis, IN; Louisville, KY; Cleveland and Greenville, MS; Springfield and St. Louis, MO; Cincinnati, OH; Oklahoma City and Tulsa, OK; and Memphis, TN for 270 days. An underlying ETA seeks 120 days' operating authority. Supporting shipper: Texas Polydrums, Inc., Post Office Box 19886, Houston, TX 77224.

MC 157457 (Sub-4–14TA), filed April 15, 1982. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46514. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Plastic articles and machinery*, between Ft. Smith, AR and New Albany, IN on the one hand, and, on the other, points in the U.S. (except AK and HI). Restriction: Restricted to traffic originating at or destined to the facilities utilized by BJK Industries, Inc. Supporting shipper: BJK Industries, Inc., P.O. Box 2949, Fort Smith, AR 72913.

MC 161494 (Sub-4–1TA), filed April 14, 1982. Applicant: THOMAS O. GOESSL, d.b.a. T.O.G. TRUCKING, Route 1, Box 60, Stetsonville, WI 54480. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. *Contract*, irregular, *empty propane vessels and tanks and trucks used in the sale or distribution thereof* between points in Isanti County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Arrow Tank & Engineering Co. of Minneapolis, MN, for 270 days. Supporting shipper: Arrow Tank & Engineering Co., 8950 Evergreen Boulevard, Minneapolis, MN 55433.

MC 161525 (Sub-4–1TA), filed April 15, 1982. Applicant: SUPALLA TRUCKING CO., Route 2, Box 194, New Richland, MN 56072. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. *Contract*, irregular, *anhydrous ammonia and liquid fertilizer* (1) from Garner, Hampton and Mason City, IA, to points in Mower, Dodge, Freeborn, Waseca and Blue Earth Counties, MN, and (2) from Grand Meadow, MN, to Cresco, IA, under continuing contract(s) with Huntting Elevator Co. of Austin, MN, for 270 days. Supporting shipper: Huntting Elevator Co., 111 North Main, Austin, MN 55912.

MC 161526 (Sub-4–1TA), filed April 15, 1982. Applicant: QUALITY OPERATIONS, INC., 870 E. Higgins Rd., Suite 143, Schaumburg, IL 60195. Representative: William H. Borghesani, Jr., 1150 17th St. NW., Suite 1000, Washington, DC 20036. *Contract*, irregular: *General commodities* (except classes A & B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Quaker Oats Company, 345 Merchandise Mart Plaza, Chicago, IL. Supporting shipper: The Quaker Oats Company, 345 Merchandise Mart Plaza, Chicago, IL 60654.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 21455 (Sub-5–2TA), filed April 12, 1982. Applicant: GENE MITCHELL CO., West Liberty, IA 52776. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Glass Beads, used in abrasive blasting*, (1) Between pts in MO, TN, TX and WV on the one hand, and, on the other, pts in IL and IA. (2) Between pts in IL and IA. Supporting shipper: Valley Foundry Supply, 208–18th Street, Rock Island, IL 61201.

MC 109064 (Sub-5–2TA), filed April 13, 1982. Applicant: TEX-O-KAN TRANSPORTATION, COMPANY, INC., P.O. Box 8367, Ft. Worth, TX 76112. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Such Articles as are dealt in by manufacturers or distributors of Chemicals or Allied Products* between Sterrett, TX on the one hand, and, on the other, pts in AR, CO, KA, LA and MO. Supporting shipper: USS Agri-Chemicals Divisions United States Steel Corporation, 233 Peachtree St., NE., Atlanta, GA 30303.

MC 123876 (Sub-5–7TA), filed April 12, 1982. Applicant: PRATT TRANSPORTATION COMPANY, INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract; Irregular. (1) *Livestock feed and feed ingredients*, between pts in the U.S. under a continuing contract or contracts with Triple F, Inc. (2) *Animal health products, livestock additives and ingredients*, between pts in the U.S. under a continuing contract or contracts with Cadco, Inc. Supporting shippers: Triple F, Inc., 10104 Douglas, Des Moines, IA and Cadco, Inc., P.O. Box 3599, Des Moines, IA 50322.

MC 125535 (Sub-5–23TA), filed April 12, 1982. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Road, St. Louis, MO 63141. Representative: Donald S. Helm (same as above). Contract: Irregular (1) *Non Ferrous metals, scrap non ferrous metals and* (2) *products used in the manufacture and distribution of products in* (1) *above (except commodities in bulk in tank vehicles).* Between points in the US (except AK and HI.) Supporting shipper: Metal Exchange Corporation, 111 West Port Plaza, St. Louis, MO 63141.

MC 147536 (Sub-5–15TA), filed April 12, 1982. Applicant: D.L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Boulevard, Oklahoma City, OK 73118.

Containers, between points in GA and MS, on the one hand, and, on the other, points in the US. Supporting shipper(s): Standard Container Company, Box 336, Homerville, GA 31634.

MC 152774 (Sub-5–2TA), filed April 12, 1982. Applicant: LEO GLYNN, d.b.a. EMERALD DISTRIBUTION CO., 5244 Winner Road, Kansas City, MO 64127. Representative: Alex M. Lewandowski, 1221 Baltimore, Suite 600, Kansas City, MO 64105. Contract, irregular: *General Commodities (except classes A and B explosives, household goods, commodities in bulk and commodities which because of size and weight require the use of special equipment,* between points in MO, KS and NE under continuing contract with the Musicland Group, Division of Pickwick International, Inc. Supporting shipper: The Musicland Group, A Division of Pickwick International, Inc., Minneapolis, MN.

MC 155806 (Sub-5–2TA), filed April 12, 1982. Applicant: B–LINE EXPRESS, INC., Route 3, Hwy 59 West, Atchison, KS 66002. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *KD corrugated shipping containers,* from the facilities of Mead Containers, St. Joseph, MO to the facilities of Iowa Beef Processors (IBP) at Dakota City, NE and to the facilities of Swift Independent Packing Co. (SIPCO) at Des Moines, IA. Supporting shipper: Mead Containers, P.O. Box 968, St. Joseph, MO. 64502.

MC 158661 (Sub-5–2TA), filed April 12, 1982. Applicant: 4–J DISTRIBUTING COMPANY, 13812 Hartside Place, Farmers Branch, TX 75234. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Bakery goods and/or materials, equipment and supplies used in the manufacture, sale and distribution of bakery goods* between the facilities of Oroweat Foods Company on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to shipments originating at or destined to the facilities of Oroweat Foods Company. Supporting shipper(s): Oroweat Foods Company, 10701 Harry Hines, Dallas, TX.

MC 160852 (Sub-5–2TA), filed April 12, 1982. Applicant: FISHER FREIGHT SERVICES, INC., P.O. Box 47062, Dallas, TX 75247. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Furniture and Related Articles* between Harris and Galveston Cy., TX on the one hand, and, on the other, Dallas and Tarrant Cy., TX. Under continuous contract(s) with Joe Small Auctioneers, Inc. of Dallas, TX. Supporting shipper: Joe Small Auctioneers, Inc., 3114 Garden Brook Ave., Dallas, TX 75234.

MC 161255 (Sub-5–1TA), filed April 12, 1982. Applicant: VERNON TIPTON, 1208 West Benton, Savannah, MO 64485. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Iron and steel articles* between points in Doniphan County, KS, on the one hand, and, on the other, points in IL and IN. Supporting shipper: Pascoe Building Systems, Box 619, Groh Drive, Wathena, KS 66090.

MC 161442 (Sub-5–1TA), filed April 12, 1982. Applicant: GUTIERREZ BROS., INC., 51 N. Trenton, Tulsa, OK 74120. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Bananas,* between Gulfport, MS, Mobile, AL and Galveston, TX on the one hand, and on the other, Van Buren, AR, Joplin, MO, Oklahoma City and Tulsa, OK Shippers: Frank's Tomato House, 1307 SW 3rd, Oklahoma City, OK, 73108; Griffin Grocery Co., P.O. Box 625, Van Buren, AR 72956; Affiliated Food Stores, Inc., P.O. Box 629, Tulsa, OK 74101; Foster Produce Co., 4802 Rangeline, Joplin, MO 64801.

MC 161452 (Sub-5–1TA), filed April 12, 1982. Applicant: COWBOY TRANSPORTATION CO., 401 East 6th Street, Stillwater, OK 74076. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. Contract; Irregular. (1) *Malt beverages and advertising materials* from Jefferson County, CO to Ponca City and Stillwater, OK under contract with Adolph Coors Company and (2) *glass containers* from Sapulpa, OK to points in CO, KS, NM, WY and UT under contract with Liberty Glass Company. Supporting shippers: Adolph Coors Company, Golden, CO 80401; Liberty Glass Company, 317 E. Lee Street, Sapulpa, OK 74066.

MC 161453 (Sub-5–1TA), filed April 12, 1982. Applicant: PONDEROSA TRUCK SERVICE, INC., 530 Riverview Street, Douglas, KS 67039. Representative: Charles J. Kimball, 665 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Contract, irregular *drilling mud and oil field chemicals and related materials and supplies,* from points in KS, OK, ND, NJ, SD, TX, VA, and WY, to points in OK, TX, OH, CO, WY and UT, for the account of Eagleston Mud and Chemical Co. Supporting shipper: Eagleston Mud and Chemical Co., Oklahoma City, OK.

MC 161457 (Sub-5–1TA), filed April 12, 1982. Applicant: CIRCLE T TRUCKING, INC., 306 E. Cherokee, Lindsay, OK 73052. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Pipe, metal, attachments and pumping units,* between Houston, TX on the one hand, and on the other, points in OK. Supporting shipper: Blacklite Pipe & Inspection, Box 1290, Noble, OK 73068.

MC 161458 (Sub-5–1TA), filed April 12, 1982. Applicant: STEVEN L. ARMSTRONG d.b.a. ARMSTRONG TRANSPORTATION, 1001 Rolling Glen Drive, Marion, IA 52302. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Avenue, Des Plaines, IL 60016. *Lumber or Wood Products,* between Belle Plaine, IA, on the one hand, and, on the other, the following pts: Boulder, Denver, CO; Chicago, Rock Island, Wheeling, IL; Columbia City, IN; Baltimore, MD; Iron Mountain, MI; Duluth, MN; Frohna, MO; Wahpeton, ND; Memphis, TN; Dallas, TX; Antigo, Milwaukee, Neopit, WI. Supporting shipper: Pierce Lumber Company, Box 204, Belle Plaine, IA 52208.

MC 161481 (Sub-5–1TA), filed April 13, 1982. Applicant: SAMMY MOORE, d.b.a. MOORE & SONS TRUCKING, Route 1, Udell, IA 52593. Representative: Richard D. Howe or Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. *Aggregates, including cinders, clay, or shale (haydite),* from Appanose County, IA, to points in MO, IL, and MN. Supporting shipper: The Carter-Waters Corporation, P.O. Box 19676, Kansas City, MO 64141.

MC 117373 (Sub-4TA), filed April 16, 1982. Applicant: NU-WAY TRUCKING INC., P.O. Box 1129, Rosebud, MO 63091. Representative: Phillip N. Engle (same as applicant). Contract Irregular: *Such commodities as are dealt in and used by manufacturers and distributors of electrical equipment,* between points in the U.S. (except AK & HI), under contract with A. B. Chance Co. Supporting shipper(s): A. B. Chance Co., 100 West Tenth Street, Washington, MO 63090.

MC 117386 (Sub-5–2TA), filed April 15, 1982. Applicant: L. B. TRANSPORT, INC., P.O. Box 233, Buffalo Center, IA 52404. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Anhydrous Ammonia, in Bulk,* between points in IA on the one hand, and, on the other, points in MN and WI. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO 64116.

MC 131031 (Sub-5–1TA), filed April 15, 1982. Applicant: COM-TRAN, INC., P.O. Box 12574, North Kansas City, MO 64116. Representative: James M. Hagan, 4625 Highway 80 East, Mesquite, TX 75150. *Iron and Steel articles,* (1) from Dallas and Houston, TX to points in the

U.S.; (2) from Kansas City, MO to points in TX. Supporting shippers: 6.

MC 134134 (Sub-5–20TA), filed April 16, 1982. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Such commodities as are used or dealt in by manufacturers and distributors of floor and wall coverings,* between points in the U.S. in and east of ND, SD, NE, CO, and NM. Restricted to shipments originating or terminating at the facilities of Tarkett Inc. Supporting shipper: Tarkett Inc., P.O. Box 264, 800 Lanidex Plaza, Parsippany, NJ 07054.

MC 141255 (Sub-5–3TA), filed April 16, 1982. Applicant: TANDY TRANSPORTATION, INC., 2560 E. Long Avenue, Fort Worth, TX 76111. Representative: Donnie Brogdon, 2560 E. Long Avenue, Fort Worth, TX 76111. Contract; Irregular. *General Commodities (except Household Goods, Commodities in bulk, and Class A and B explosives),* between Cleveland, OH on the one hand, and, on the other, Dallas, TX and their commercial Zone. Supporting shipper: Lawson Products, Inc., 1666 E. Touhy, Des Plaines, IL 60018.

MC 149323 (Sub-5–3TA), filed April 15, 1982. Applicant: BINGHAM TRANSPORTATION, INC., 2005 E. Avenue, Baxter Springs, KS. 66713. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. Mineral Wool Slag, from Corsicana, TX and its Commercial Zone to Joplin, MO and its Commercial Zone. Supporting shipper: Eagle Picher Industries, Inc., P.O. Box 550, Joplin, MO. 64801.

MC 150029 (Sub-5–2TA), filed April 15, 1982. Applicant: CHARLES B. HARRINGTON d.b.a. TRANS TEXAS COACHES, 3901 Cessna, Odessa, TX 78762. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. (A) *Regular routes: Passengers and their baggage and express and newspapers,* in the same vehicle with passengers, (1) Between Paris and Wichita Falls, TX, serving all intermediate points: From Paris over U.S. Highway 82 to Wichita Falls and return over the same route; (2) Between San Angelo and Midland, TX, serving all intermediate points: From San Angelo over U.S. Highway 87 to Sterling City, thence over State Highway 158 to Midland and return over the same route. (B) *Irregular routes: Passengers and their baggage,* in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points on the routes described in part (A) and extending to points in the U.S. (except AK and HI). Supporting shipper: Trailways, Inc., Dallas, TX; Trailways Bus System, Inc., Dallas, TX.

MC 151751 (Sub-5–5TA), filed April 15, 1982. Applicant: BRUNSON, INC., P.O. Box 489, Dodge City, Ks. 67801. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Meat, meat products, meat by-products and articles distributed by meat packing houses,* between points in Finney County, KS on the one hand, and, on the other points in the US (except AK & HI). Supporting shipper: Kansas Processed Beef, Inc., P.O. Box 957, Garden City, KS. 67846.

MC 161493 (Sub-5–1TA), filed April 14, 1982. Applicant: CHARLES W. RAINS, Highway 63 South, Trumann, AR 72472. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Agricultural chemicals* (1) from Memphis, TN, and its commercial zone, to points in AR on and east of U.S. Highways 63 and 167; (2) from Memphis, TN, and its commercial zone, to Clarksdale, MS; (3) from Clarksdale, Leland, and Vicksburg, MS, and the commercial zones thereof, to points in AR on and east of U.S. Highways 63 and 167. Supporting shipper: Taylor and Stuckey, Rural Route 3, Box 135, Trumann, AR 72472.

MC 161537 (Sub-5–1TA), filed April 16, 1982. Applicant: B & P CARRIERS, a Partnership, Route 4, Box 78–W, Watson, MO 64496. Representative: Charles R. Wunsch, Suite 1500, 1006 Grand Ave., Kansas City, MO 64106. Contract; Irregular. *Non-beverage, fuel alcohol,* between the processing plant of American Agri-Fuels Corporation at Rockport, Atchinson County, MO, on the one hand, and, on the other, points in the US (except AK and HI) under continuing contracts with American Agri-Fuels Corporation of Marlin, TX. Supporting shipper: American Agri-Fuels Corporation, P.O. Box 829, Marlin, TX 76661.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 148018 (Sub-6–9TA), filed April 12, 1982. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O.B. 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: Foodstuffs, from points in FL to UT, ID and OR, for the account of American Strevell, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): American Strevell, Inc., P.O. B.26587, Salt Lake City, UT, 84126.

MC 161492 (Sub-6–1TA), filed April 12, 1982. Applicant: DALE H. EDWARDS, d.b.a. CHAPARRAL SERVICES, Route 8, B. 32A, Silver City, NM 88061. Representative: (same as applicant). *General Commodities,* (except class A & B explosives, used household goods, items of unusual value, commodities in bulk, and commodities that because of size and weight require use of special equipment) between points in Grant, Hidalgo, Catron, Socorro, Sierra, Dona Ana, and Luna Counties, NM and El Paso county, TX for 270 days. Supporting shipper(s): There are six (6) shippers. Their statements may be examined at the Regional office listed.

MC 89693 (Sub-6–1TA), filed April 12, 1982. Applicant: HARMS PACIFIC TRANSPORT, INC., 7322 N. Division, Suite 209, Spokane, WA 99208. Representative: Boyd Hartman, P.S., P.O.B. 3641, Bellevue, WA 98009.*Fertilizer, fertilizer products* and *fertilizer materials* from Benton County, WA to points in OR in and West of Hood River, Clackamas, Linn, Lane, Douglas and Jackson Counties for 270 days. Supporting shipper(s): Phillips Petroleum Company, 836 Adams Bldg., Bartlesville, OK 74004.

MC 153134 (Sub-6–7TA), filed April 13, 1982. Applicant: HI COUNTRY CARRIERS, INC., 4061 S. Broadway, Englewood, CO 80110. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203. *Contract Carrier,* irregular routes, *Paper and paper products* (1) from the facilities of Rocky Mountain Bank Note at or near Denver, CO to Albuquerque, NM; Dallas, San Antonio, El Paso, Lubbock and Arlington, TX; Phoenix and Tucson, AZ; Los Angeles, and Concord, CA; Salt Lake City, UT; Las Vegas and Reno, NV; Boise, ID; Spokane, WA and Lawrence, KS, and points in their commercial zones and (2) from Dallas and San Antonio, TX; Phoenix, AZ; Salt Lake City, UT; and So. San Francisco, CA, and points in their commercial zones to the facilities of Rocky Mountain Bank Note at or near Denver, CO, for the account of Rocky Mountain Bank Note for 270 days. Underlying ETA seeks 120 days authority. Supporting Shipper: Rocky Mountain Bank Note, Box 5105, Denver, CO 80217.

MC 159174 (Sub-6–2TA), filed April 13, 1982. Applicant: K. L. C. TRANSPORT, INC., 6970 Huff Ave., N.E., Salem, OR 97305. Representative: David R. Benson (same as applicant). *Contract carrier,* irregular routes, *Lumber and Wood Products, Building Materials, Poles,*

Pilings, and Fencing Materials, between points in the U.S. except AK and HI, under continuing contract with North Pacific Lumber Company of Portland, OR, for 270 days. Supporting shipper: North Pacific Lumber Company, 1505 S.E. Gideon St., Portland, OR 97202.

MC 161476 (Sub-6–1TA), filed April 12, 1982. Applicant: LONNIE KNUTSON, 1520 Ashley Lake Rd., Kalispell, MT 59901. Representative: John B. Dudis, P.O. Box 759, Kalispell, MT 59901. *Forest Products and Lumber and Wood Products* from MT to points in ND, SD, NE, MN, WI, IL, IA, OH, KS, OK, WY and CO for 270 days. Supporting shippers: *There are 5 shippers.* Their statements may be examined at the regional office listed above.

MC 144177 (Sub-6–1TA), filed April 14, 1982. Applicant: BILL'S MOBILE HOME TRANSPORT, INC., 4900 Laurel Rd., Billings, MT 59101. Representative: Joel E. Guthals, P.O. Box 1977, Billings, MT 59101. (1) *Trailers designed to be drawn by passenger automobiles and other vehicles, and buildings and buildings in sections,* with and without accessories and contents, between points in AZ, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, and WY for 270 days. (2) There are 5 shippers. Their statements may be examined at the Regional office listed above.

MC 135989 (Sub-6–13TA), filed April 15, 1982. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, P.O. Box 6060, Snowmass Village, CO 81615. *Contract carrier,* irregular routes, transporting: *Charcoal briquets,* from Salem, MO and Kenbridge, VA to points in AZ, CA, CO, NV, TX and WA, under continuing contract with Imperial Products Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Imperial Products Corporation, P.O. Box 12666, St. Louis, MO 63141.

MC 161307 (Sub-G–1TA), filed April 15, 1982. Applicant: BILL ERNST TRUCKING COMPANY, East 4127 Fairview, Spokane, WA 99207. Representative: James E. Wallingford, P.O. Box, 2647, Spokane, WA 99220. *Contract Carrier* irregular routes *truck equipment and parts thereof* between points in: CT, IL, IN, ID, IA, MI, MN, MT, NE, ND, OH, OR, WA AND WY, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Pacific Diesel Brake, Inc., 1124 N. Freya, Spokane, WA 99202.

MC 161240 (Sub-G–2TA), filed April 15, 1982. Applicant: AUGUST J. SIRIANNI, SR. and RICHARD GOODRIDGE d.b.a. G & S TRANSPORTATION, 1551 So. Milpitas Blvd., Milpitas, CA 95035. Representative: Daniel W. Baker, 100 Pine St., #2550, San Francisco, CA 94111. *Contract Carrier,* irregular routes, *general commodities (except classes A & B explosives, household goods and commodities in bulk),* between points in CA, restricted to non-profit shippers' association traffic, and under continuing contracts with International Nu-way Shippers, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: International Nu-Way Shippers, Inc., 3333 So. Iron St., Chicago, IL 60608.

MC 41098 (Sub-6–3TA), filed April 15, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K St., NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, *household goods,* between points in the U.S. under continuing contracts with General Mills, Inc. of Minneapolis, MN and subsidiaries, for 270 days. Supporting shipper: General Mills, Inc., 9200 Wayzata Blvd., Minneapolis, MN 55440.

MC 160854 (Sub-6–1TA), filed April 15, 1982. Applicant: JENKINS EQUIPMENT COMPANY, INC., d.b.a. JECO TRANSPORT, INC., 6020 NE., Columbia Blvd., Portland, OR 97218. Representative: John A. Anderson, Suite 601, The 1515 Bldg., 1515 SW., 5th Ave., Portland, OR 97201. *(1) Steel and (2) steel and fiberglass roofing and siding, and related hardware,* from the facilities of American Steel at or near Portland and Tualatin, OR to Kent, Seattle, Kennewick, Richland and Pasco, WA, for 270 days. Supporting shipper: American Steel, 4033 N.W. Yeon, Portland, OR 97210.

MC 148458 (Sub-6–2TA), filed April 15, 1982. Applicant: MOTOR TRUCK TRANSPORT, 5901 S. Eastern Ave., Commerce, CA 90040. Representative: Richard V. Stanton (same as applicant). *Contract carrier,* irregular routes, *General commodities,* (except hazardous waste and Classes A & B explosives) Between points in the U.S. for the account of Crown Zellerback Corp., for 270 days. Supporting shipper: Crown Zellerbach Corp., 3416 S. Garfield, Commerce, CA 90040.

MC 161534 (Sub-6–1TA), filed April 15, 1982. Applicant: NORTHERN TIMBER CORPORATION, P.O. Box 595, Haines, AK 99827. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Contract:* Irregular: *General commodities,* (except classes A & B explosives, household goods, hazardous waste, and commodities in bulk) between Haines, AK, on the one hand, and, on the other, points in Alaska on commodities having a prior or subsequent movement by water, for 270 days. An underlying ETA seeks 120 days authority. There are 5 shippers. Their statements may be examined at the Regional Office listed above.

MC 148896 (Sub-6–1TA), filed April 15, 1982. Applicant: PAR DELIVERY SERVICE, INC., 4250 South Santa Fe, Englewood, CO 80110. Representative: William K. Parchen (same as applicant). *Contract Carrier,* Irregular routes: *Vitamins, cosmetics, nutritional products and cleaning compounds,* from La Palma, Orange County, CA to Ajax Warehouse, Inc., located in or near Denver, CO, to points in CO, WY, and NE, for the account of Shaklee Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Shaklee Corporation, 456 22nd St., Oakland, CA 94612.

MC 44927 (Sub-6–1TA), filed April 13, 1982. Applicant: PRO EXPRESS, 1225 W. Washington Blvd., Montebello, CA 90640. Representative: Wyman C. Knapp, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Electrical equipment and supplies* from Los Angeles, Montebello and Bell, CA, to points in Santa Barbara, Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego Counties, CA; restricted to shipments originating in Fort Wayne, IN, having a prior movement to Los Angeles, Montebello and/or Bell, CA, by rail or motor carrier, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Electric Company, 2142 Tubeway, City of Commerce, CA 90058.

MC 160998 (Sub-6–1TA), filed April 15, 1982. Applicant: SEATTLE DISTRIBUTION SERVICE, INC., 581 Strander Blvd., Seattle, WA 98188. Representative: B. F. Brown, P.O. Box 68927, Seattle, WA 98188. *Contract,* Irregular: *General Commodities* (except commodities in bulk, Household goods or class A & B explosives) between the Commerical Zone of Seattle, WA and Counties of Whatcom, Skagit, Pierce and Thurston, WA under continuing contract with Modern Merchandising, Inc. of Minnetonke, MN, for 270 days. Supporting shipper: Modern Merchandising, Inc., 5101 Shady Oak Rd., Minnetonke, MN 55343.

MC 155733 (Sub-6–2TA), filed April 15, 1982. Applicant: TRAIL BLASERS, INC., 7990 Overland Rd., Boise, ID 83709. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. *Contract*

Carrier, Irregular routes: *Hides,* between points in the U.S., for the account of Southwest Hide Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Southwest Hide Company, P.O. Box 7946, Boise, ID 83707.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-11258 Filed 4-23-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the thirty-fourth meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD) on May 18 and 19, 1982.

On May 18, from 10:30 a.m. to 12:30 p.m. the JCAD will meet in a joint session with the Joint Research Committee (JRC) to consider the Caribbean Basin initiative; plans for building research institutions in Africa; and to discuss future BIFAD functions and committee structure. This meeting will be held in the Holiday Inn, 1850 N. Fort Myer Drive, Rosslyn, Virginia.

On May 18, from 1:45 p.m. to 3:15 p.m. the Joint JCAD-JRC Regional Work Groups will meet as follows: Africa RWG in Room 2941, New State Department Building, Washington, D.C. (Mr. Lane E. Holdcroft, A.I.D. Federal Designee for this meeting can be contracted at (202/632-3650); Asia RWG in Room 1406, New State Department Building (Mr. Allen Hankins, A.I.D. Federal Designee for this meeting can be contacted at (703/235-8871); Latin America RWG in Room 2242, New State Department Building (Mr. Albert Brown, A.I.D. Federal Designee for this meeting can be contacted at (202/632-8126); and the Near East RWG in Room 6484, New State Department Building (Mr. Robert Morrow, A.I.D. Federal Designee for this meeting can be contacted at (202/632-8586).

On May 18, from 3:30 p.m. to 5:00 p.m. the Education and Training and Women in Development Work Groups will meet in a joint session in Room 1406, New State Department Building; and the Procurement Process and Alternate Mechanisms for Technical Assistance Work Groups will meet in a joint session in Room 3524, New State Department Building.

On May 19, from 9:00 a.m. to 12:30 p.m. the full JCAD will meet to receive and discuss reports from the Work Groups; consider plans for the Strengthening Grant Program; and review highlights of JCAD accomplishments. This meeting will be held in the Holiday Inn, 1850 N. Fort Myer Drive, Rosslyn, Virginia.

The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meetings, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meetings permit.

Mr. John C. Rothberg, BIFAD Support Staff, is designated A.I.D. Advisory Committee Representative at the meetings. it is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523 or telephone him at (202) 632-7937.

Dated: April 19, 1982.

John C. Rothberg,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development Board for International Food and Agricultural Development.

[FR Doc. 82-11247 Filed 4-23-82; 8:45 am]

BILLING CODE 6116-01-M

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the forty-third meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on May 17 and 18, 1982.

The purpose of the meeting is to: consider updates on research on food production in Africa and exploratory studies of research needs on hemotropic diseases, water buffalo and African Swine Fever; receive reports relating to recommendations on items needing attention in connection with the Collaborative Research Support Program (CRSP) and the Small Ruminant CRSP; review status of cooperative research program with international centers and discuss future BIFAD function and committee structure.

The meeting will convene from 1:00 p.m. to 4:30 p.m. on May 17, and 8:30 a.m. to 12:30 p.m. on May 18. (The JRC will meet in a joint session with the Joint Committee on Agricultural Development (JCAD) from 10:30 a.m. to 12:30 p.m. on May 18.) The meeting will be held in the Holiday Inn, 1850 N. Fort Myer Drive, Rosslyn, Virginia. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. James Nielson, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523 or telephone him at (202) 632-7935.

Dated: April 13, 1982.

James Nielson,

A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 82-11248 Filed 4-23-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Montana Nursing Home Association, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the District of Montana in *United States of America v. Montana Nursing Home Association, Inc.,* Civil No. 80-92-H. The Complaint in this case alleged that the defendant engaged in a combination and conspiracy with other to raise the price of nursing home services paid under the State of Montana's Medicaid program.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, Room 7218, Antitrust Division, Department of

Justice, Washington, D.C. 20530, (telephone: (202) 633-2425).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

In the U.S. District Court for the District of Montana, Helena Division

United States of America, Plaintiff v. *Montana Nursing Home Association, Inc.,* Defendant

CV-80-92-H.

Filed: April 13, 1982.

Stipulation

The parties, by their attorneys, stipulate that:

1. The parties consent that a Final Judgment in the form attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice on Defendant and by filing that notice with the Court.

2. If Plaintiff withdraws its consent, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: , 1982.

For the plaintiff: William F. Baxter, *Assistant Attorney General;* Mark P. Leddy; Charles F. B. McAleer; John W. Poole, Jr., *Attorneys, Antitrust Division, U.S. Department of Justice;* Byron H. Dunbar, *U.S. Attorney, District of Montana, P.O. Box 1478, Billings, Montana 59103, Telephone: (406) 585-6101;* Charles R. Schwidde, Elizabeth M. O'Neill, *Attorneys, Department of Justice, Antitrust Division, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530, Telephone: (202) 633-4479.*

For the Defendant: James D. Welch, Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 2000 L Street NW., Washington, D.C. 20036, *Attorney for the Montana Nursing Home Association, Inc.*

In the U.S. District Court for the District of Montana, Helena Division

United States of America, Plaintiff v. *Montana Nursing Home Association, Inc.,* Defendant

CV-80-92-H.

Filed: April 13, 1982.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on June 13, 1980 and Defendant, Montana Nursing Home Association, Inc., having appeared by its attorney, and the parties hereto by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by either party in respect to any issue of fact or law herein;

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction over the subject matter herein and of the parties hereto. The Complaint states a claim upon which relief may be granted against defendant under section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Defendant" means the Montana Nursing Home Association, Inc.;

(B) "Medicaid" means the system of health care of indigents created by Title XIX of the Social Security Act entitled "Grants to States for Medical Assistance Programs," (or any successor program or programs hereinafter enacted), and includes any regulation promulgated thereunder by the United States Department of Health and Human Services, and regulations, policies and procedures of the State of Montana to impement the program;

(C) "Standard provider contracts" means contracts between the State of Montana and nursing homes by which nursing homes agree to provide care for Medicaid beneficiaries; and

(D) "Nursing home" means a provider of skilled nursing and/or intermediate care services in the State of Montana

III

This Final Judgment applies to Defendant and to its officers, directors, committees, agents, employees, Successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined from:

(A) Participating in any concerted refusal by nursing homes to enter Medicaid standard provider contracts or to participate in the Medicaid program;

(B) Participating in any agreement, understanding, plan of course of conduct with the purpose or foreseeable effect that nursing homes (1) jointly accept or reject all or any terms of Medicaid standard provider contracts; (2) jointly reject or discharge Medicaid patients; or (3) jointly threaten not to participate in the Medicaid program;

(C) Advocating or recommending that nursing home(s) (1) accept or reject all or any terms or Medicaid standard provider contracts; (2) reject or discharge Medicaid patients; or (3) threaten not to participate in the Medicaid program;

(D) Causing or permitting at any formal or informal meeting of Defendant or its committees any course of conduct or discussion of any plan having the purpose of foreseeable effect that nursing home(s) (1) jointly accept or reject all or any terms of Medicaid standard provider contracts; (2) jointly reject or discharge Medicaid patients; or (3) jointly threaten not to participate in the Medicaid program; and

(E) Nothing in this Section IV shall prohibit Defendant from:

(1) Discussion or distributing factual information concerning the Medicaid program or proposed changes therein;

(2) Giving fair and reasonable constructions of the terms of existing or proposed Medicaid standard provider contracts, governmental regulations, or policies and procedures relating thereto;

(3) Advocating proposed changes in the Medicaid program to, or discussing the Medicaid program with, any governmental body or member or employee thereof; or

(4) Seeking through any bona fide judicial or administrative law proceeding a determination of the rights or responsibilities of its members under the Medicaid;

so long as such conduct is not part of an agreement, plan or conspiracy to engage in the conduct prescribed in subsections A through D of this Section IV.

V

Defendant is ordered and directed:

(A) Within sixty (60) days from the entry of this Final Judgment, (1) to send to each of its members a copy of (a) this Final Judgment; and (b) the letter attached to this Final Judgment as Appendix A; (2) to cause the publication of this Final Judgment in Defendant's newsletter; and (3) to file with this Court and to serve upon Plaintiff an affidavit stating the fact and manner of compliance with subsection (A) of this Section V;

(B) To serve a copy of this Final Judgment, together with a copy of the letter attached to this Final Judgment as Appendix A, upon all of its future members at such times as they become members;

(C) To conduct an audit of its activities, during the thirteenth month following entry of this Final Judgment, and once during every 24-month period thereafter while this Final Judgment remains in effect, to determine compliance with this Final Judgment and with the antitrust laws. The audit shall be conducted or supervised by an attorney and shall include a review of Defendant's files and those of its directors maintained in connection with their responsibilities as such, and interviews of Defendant's officers, directors, and employees as deemed necessary by the attorney. A written report of each audit shall be promptly prepared, furnished to Plaintiff, and filed with the Court; and

(D) To establish and adopt a written statement setting forth Defendant's policy regarding compliance with the antitrust laws and this Final Judgment. The written compliance policy shall be published in Defendant's newsletter at least once a year for three consecutive years.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written

request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Defendant made to its principal office, be permitted, (1) access during office hours of Defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Defendant, which may have counsel present, relating to any matters contained in this Final Judgment; and (2) subject to the reasonable convenience of Defendant and without restraint or interference from it, to interview officers, employees and agents of Defendant, who may have counsel present, regarding any such matters;

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to the Defendant's principal office, Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested;

(C) No information or documents obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment or as otherwise required by law; and

(D) If, at the time information or documents are furnished by Defendant to Plaintiff, Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Defendant marks each pertinent page of such material "Subject to claim of protection under Rule 27(c)(7) of the Federal rules of Civil Procedure," then 10-days notice shall be given by Plaintiff to Defendant prior to a divulging such material in any legal proceeding (other than a grand jury proceeding) to which Defendant is not a party.

VII

Jurisdiction is retained by this Court for the Purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

VIII

This Final Judgment will expire 10 years after date of entry.

IX

Entry of this Final Judgment is in the public interest. Entered:

Judge, United States District Court.

Appendix A

Re: *United States v. Montana Nursing Home Association, Inc., CV-80-92-H*

Dear MNHA Member: Enclosed is a copy of the Final Judgment, entered 1982, in *United States* v. *Montana Nursing Home Association, Inc.*, CV-80-92-H. The terms of the Final Judgment require that a copy of it as well as this letter be sent to you. You should read the terms of the Final Judgment carefully and note that you, under certain circumstances, are bound by the provisions. The purpose of this letter is to help you understand those provisions.

Under the Final Judgment, the Association is barred from, among other things, participating in any agreement, understanding, plan or course of conduct with the purpose or foreseeable effect that nursing homes jointly threaten not to participate in the Medicaid program or jointly determine to accept or reject all or any terms of Medicaid standard provider contracts. The Final Judgment also prohibits the Association from advocating or recommending, among other things, that nursing homes accept or reject all or any terms of Medicaid standard provider contracts. The Final Judgment also prohibits the Association from causing or permitting at any of its formal or informal meetings, including committee meetings, any course of conduct or discussion of any plan having the purpose or foreseeable effect that nursing homes jointly accept or reject all or any terms of Medicaid standard provider contracts.

The Final Judgment also describes conduct that the Association may engage in without violating the Final Judgment. The Association may for example, discuss or distribute factual information concerning the Medicaid program or proposed changes in the Medicaid program. The Association may also advocate proposed changes in the Medicaid program to, or discuss the Medicaid program with, any governmental body or member or employee associated with these governmental bodies. The Final Judgment also permits the Association to give fair and reasonable constructions of the terms of, among other things, existing or proposed Medicaid standard provider contracts. Under the Final Judgment, the Association may also seek through any bona fide judicial or administrative law proceeding a determination of the rights or responsibilities of Association members under the Medicaid program. The permissible conduct outlined above is qualified in that it cannot be part of an agreement, plan or conspiracy to engage in conduct prohibited by the Final Judgment.

U.S. District Court, District of Montana

United States of America, Plantiff v. *Montana Nursing Home Association, Inc.*, Defendant

Civil Action No. 80-92-H (D. Montana, Helena Division).

Filed: April 13, 1982.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)), the United States of America submits this Competitive Impact Statement relating to the proposed final judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On June 13, 1980, the Department of Justice filed a civil antitrust Complaint under section 4 of the Sherman Act (15 U.S.C. 4), alleging that the defendant violated Section 1 of the Sherman Act (15 U.S.C. 1). The Complaint alleges that the defendant and various co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in nursing home services, the substantial term of which was to raise the price of nursing home services paid under the Medicaid program in the State of Montana.

Entry of the proposed final judgment will terminate the action, except that the Court will retain jurisdiction over the matter for further proceedings which may be required to interpret, modify or enforce the judgment, or to punish violations of any of its provisions.

II

Description of the Practices Involved in the Alleged Violation

The defendant is a trade association for the nursing home industry in the State of Montana. Approximately 70 nursing homes throughout the State, representing over 66 percent of all nursing home beds in the State of Montana, are members of the defendant.

Approximately 65 percent of all occupied nursing home beds in Montana are paid for with funds provided by the Medicaid program, which is a cooperative federal/state venture, jointly financed by federal and state funds. The Montana State Department of Social and Rehabilitation Services ["SRS"] certifies nursing homes to participate in the program and, subject to certain federal guidelines, determines rates of reimbursement to be paid for Medicaid patients.

The Complaint alleges that the defendant and co-conspirators engaged in a conspiracy, beginning sometime in 1978, to raise the price of nursing home services paid under the Medicaid program in the State of Montana. The Complaint alleges that the defendant acted as the bargaining agent for its member nursing homes to negotiate the terms and conditions on which nursing homes would contract with SRS to care for Medicaid patients and that the defendant and co-conspirators jointly refused to enter into contracts with SRS except upon terms and conditions agreed upon by the defendant and its co-conspirators.

The Complaint alleges that the conspiracy has had the following effects, among others: (a) Competition among nursing homes with respect to the terms and conditions on which they will contract to care for Medicaid patients has been eliminated, and (b) prices charged by nursing homes for the care of Medicaid patients have been increased.

Had this case gone to trial, the United States would have adduced evidence to show that, since 1978, the defendant has acted on behalf of its members in accepting or rejecting all or part of various Medicaid

provider contracts, and used the joint bargaining strength of its member nursing homes together with concerted withdrawals and threats of withdrawal from the Medicaid program to obtain more favorable contract terms and conditions than otherwise would have been possible; the conspiracy was effectuated in numerous meetings of the defendant's membership, meetings of various committees formed by the defendant for the purpose of negotiating Medicaid contracts with SRS, and in meetings between representatives of the defendant and representatives of SRS.

III

Explanation of the Proposed Final Judgment

The United States and the defendant have stipulated that the Court may enter the proposed final judgment after compliance with the Antitrust Procedures and Penalties Act. The proposed final judgment provides that its entry does not constitute any evidence against or admission by either party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed final judgment may not be entered until the Court determines that entry is in the public interest.

A. *Prohibited Conduct.* The proposed final judgment prohibits the defendant from participating in any concerted refusal by nursing homes to enter into Medicaid standard provider contracts or to participate in the Medicaid program. The defendant is also prohibited from participating in any agreement, understanding, plan or course of conduct with the purpose or foreseeable effect that nursing homes (1) jointly accept or reject all or any terms of Medicaid standard provider contracts; (2) jointly reject or discharge Medicaid patients; or (3) jointly threaten not to participate in the Medicaid program. The defendant is further prohibited from allowing at its meetings any course of conduct, or discussion of any plan, having the purpose or foreseeable effect that nursing homes engage in any of the activities described in 1–3 immediately above. The defendant is also prohibited from advocating or recommending that nursing homes accept or reject all or any terms of Medicaid standard provider contracts, or reject or discharge Medicaid patients, or threaten not to participate in the Medicaid program. The provisions described above would, for example, enjoin the defendant from acting as a bargaining agent in order to secure more favorable terms or higher compensation for nursing homes participating in the Medicaid program.

The proposed final judgment provides that nothing in the final judgment shall prohibit defendant from discussing or distributing factual information concerning the Medicaid program or proposed changes therein or from giving fair and reasonable constructions of the terms of existing or proposed Medicaid standard provider contracts, governmental regulations, or policies and procedures relating thereto. In addition, defendant is permitted to advocate proposed changes in the Medicaid program to, or discuss the Medicaid program with, any governmental body or member or employee thereof. Defendant is also allowed to seek through any bona fide judicial or administrative law proceeding a determination of the rights or responsibilities of its members under the Medicaid program. The final judgment provides, however, that the permissible conduct described above must not be part of an agreement, plan or conspiracy to engage in conduct prohibited elsewhere by the final judgment.

B. *Affirmative Obligations.* The proposed final judgment requires the defendant to furnish a copy of the judgment to each of its members, as well as to new members as they join, together with a letter explaining the terms of the judgment. Also, the defendant is required to furnish to the Court and the plaintiff an affidavit as to the fact and manner of its notification of its members and future members.

The proposed final judgment requires that 13 months after entry of the judgment and every two years thereafter, the defendant audit its operations to determine compliance with the judgment and with the antitrust laws. Its findings must be filed with the Court and the plaintiff.

The proposed final judgment requires the defendant to adopt a written statement setting forth its policy regarding compliance with the antitrust laws and the judgment. The written compliance policy must be published in defendant's newsletter at least once a year for three consecutive years.

C. *Scope of the Proposed Judgment.* The proposed final judgment will remain in effect for a period of 10 years from entry. It applies to the defendant and to each of its officers, directors, committees, agents, employees, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of the judgment by personal service or otherwise.

D. *Effect of the Proposed Judgment on Competition.* The relief in the proposed final judgment is designed to prevent any recurrence of the activities alleged in the Complaint. The prohibitive language of the judgment is designed to insure that each nursing home's decision whether to provide services under the Medicaid program will be made independently, and that nursing homes will not use their collective power to boycott or threaten to boycott SRS in order to secure more favorable terms or higher compensation in the Medicaid program.

The proposed final judgment provides two methods for assessing the defendant's compliance with its terms. First, the United States is given access, upon reasonable notice, to the records of the defendant to examine them for possible violations of the judgment, and to interview officers, directors, employees and agents of the defendant. Second, the United States may require the defendant to submit written reports about any matters pertaining to the judgment.

The Department of Justice believes that the proposed final judgment contains adequate provisions to prevent the defendant from engaging in further violations of the type upon which this Complaint is based. The Department believes that disposition of the lawsuit without further litigation is appropriate because the proposed judgment provides all the relief which the United States sought in its Complaint, and the additional expense of litigation would not result in additional public benefit.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed final judgment will neither impair nor assist the bringing of such actions. Under the provisions of section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against this defendant.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed final judgment should be modified may submit written comments to John W. Poole, Jr., Antitrust Division, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530, Tel. No. 202–633–2425 within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to entry. The judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for its modification, interpretation or enforcement.

VI

Alternatives to the Proposed Consent Judgment

The alternative to the proposed Final Judgment considered by the Department of Justice was a full trial of the issues on the merits and on relief. The Department considers the proposed Final Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violation alleged in the Complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating the proposed final judgment. Consequently, none have been filed with the Court.

Respectfully submitted,

Charles R. Schwidde,

Elizabeth M. O'Neill,

Attorneys, United States Department of Justice, 10th and Constitution Avenue NW.,

Washington, D.C. 20530, Telephone: (202) 633–4479.

[FR Doc. 82–11237 Filed 4–23–82; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Registration No. PB0085642]

Brotherston Hospital Supply Co.; Withdrawal of Application and Termination of Registration

On March 4, 1982, the Acting Administrator of the Drug Enforcement administration (DEA) issued an Order to Show Cause to Brotherston Hospital Supply Company, Division of Marsin Medical Supply, S.W. Corner of 56th and Lancaster Avenue, Philadelphia, Pennsylvania 19131 (Respondent). The Order sought to deny Respondent's application for continued registration as a distributor of controlled substances in Schedules IIIN, IV and V. The Order to Show Cause, issued pursuant to 21 U.S.C. 823 and 824, alleged that the continued registration of the Respondent firm was inconsistent with the public interest, evidenced by numerous violations of the Controlled Substances Act (CSA) and its regulations, as revealed by DEA and predecessor agency regulatory inspections conducted in 1973, 1976, 1977, 1978, and 1981. The Order to Show Cause cited other evidence showing Respondent's past history relating to controlled substances, including the fact that on May 27, 1980, in *United States* v. *Brotherston Hospital Supply Company and Adolph Sinkow, President*, Civil Action No. 79–1795, U.S. District Court for the Eastern District of Pennsylvania, Respondent was permanently enjoined from violating the CSA and its regulations. In settlement of that action, the Respodent paid the United States $15,000 in civil penalties

By letter dated April 7, 1982, Respondent stated that it will not contest the Order and withdraws its application for continued registration with DEA. Counsel requested that Respondent have until June 1, 1982, to properly dispose of its controlled substances inventory.

The Acting Administrator acknowledges the withdrawal of Respondent's application for continued DEA registration. Respondent's DEA registration has been extended on a day-to-day basis pursuant to the provision of 21 CFR 1301.47. The Acting Administrator hereby orders that such extension be, and it hereby is, terminated, effective June 1, 1982. The Acting Administrator further orders that Brotherston Hospital Supply Company dispose of its controlled substances inventory by June 1, 1982, in a manner consistent with the Controlled Substances Act and its attendant regulations.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

April 19, 1982.

[FR Doc. 82–11251 Filed 4–23–82; 8:45 am]

BILLING CODE 4410–09–M

National Institute of Justice

Competitive Research Proposal Solicitation, "FY 1982 Career Criminal Research Program"

The National Institute of Justice announces a competitive research proposal solicitation entitled, "FY '82 Career Criminal Research Program." Subject to the availability of funds for fiscal year 1982, it is anticipated that approximately $750,000 will be allocated for the support of around seven separate research projects on the topic of the career criminal. Proposals will be reviewed by a peer review panel composed of experts on this topic. To be eligible for consideration, proposals must be postmarked no later than June 19, 1982. Copies of the solicitation can be obtained by writing to: Program Solicitation Office, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: April 21, 1982.

Approved:

James L. Underwood,

Acting Director, National Institute of Justice.

[FR Doc. 82–11286 Filed 4–23–82; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel: Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1. Date: May 20–21, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 1023.
   Program: This meeting will review applications submitted for Program Development Projects, Division of Special Programs, for projects beginning after October 1, 1982.
2. Date: May 20–21, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 807.
   Program: This meeting will review applications submitted for Elementary and Secondary Education, for projects beginning after September 15, 1982.
3. Date: May 17–18, 1982.
   Time: 9:00 a.m. to 5:30 p.m.
   Room: 807.
   Program: This meeting will review applications submitted for Elementary and Secondary Education, for projects beginning after September 15, 1982.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and priviledged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 82–11362 Filed 4–23–82; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences Subpanel for Anthropology
Date and Time: May 12–13–14, 1982, 9:00–6:00 p.m. each day
Place: National Science Foundation, 1800 G Street, NW., Room 642
Type meeting: Part Open; Closed—5/12, 9:00 a.m.–6:00 p.m.; Open—5/13, 9:00 a.m.–10:30 a.m.; Closed—5/13, 10:30 a.m., 10:30 a.m.–6:00 p.m.; Closed—5/14, 9:00 a.m.–6:00 p.m.
Contact Person: Dr. John E. Yellen, Program Director for Anthropology NSF, Room 320, Washington, D.C. 20550
Summary of minutes: May be obtained from the Contact Person, at the above address

Purpose of committee: To provide advice and recommendations concerning NSF support for research in anthropology.

Agenda: The purpose of the open meeting is twofold. First, it provides an opportunity to assess overall the state of the discipline—In what new directions is (or should) research be going? Where are the areas of strength?—Of weakness? Secondly it provides a chance to consider how well the National Science Foundation fosters and furthers basic anthropological research. Are there areas where special effort should be directed? Are there parts of the discipline in which the Foundation might do a better job?

The purpose of the closed meeting is to review and evaluate research proposals 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 Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 16, 1982.

[FR Doc. 82–11383 Filed 4–23–82; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Neurobiology Group "B"; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Neurobiology of the Advisory Panel for Behavioral and Neural Sciences.
Date and time: May 13, and 14, 1982; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Nathaniel G. Pitts, Associate Program Director, Neurobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202/357–7471.
Purpose of subpanel: To provide advice and recommendations concerning support for research in Neurobiology.

Agenda: To review and evaluate research proposals 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 Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

April 16, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–11364 Filed 4–23–82; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Earth Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Earth Sciences.
Date: May 10, 1982.
Time: 9:00 a.m. to 5:00 p.m.
Place: The National Science Foundation, Room 540, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7958.
Summary minutes: May be obtained from the Contact person at the above address.
Purpose of advisory group: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda

1. Minutes of previous meeting.
2. Appointment of new committee members.
3. Division reorganization.
4. The role of the committee under the reorganization.
5. Oversight & evaluation of the Seismology Program and the Experimental & Theoretical Geochemistry Program.
6. Status of Ocean Drilling.
7. Research on Continental Crust.
8. Status of funding for the Division and perceived future needs and demands within the subdisciplines.
9. General discussion with Dr. Francis Johnson.
10. Priorities for use of research dollars: (a) Indirect costs; (b) Academic year salaries; (c) Domestic and international conferences; (d) Publication costs.

M. Rebecca Winkler,

Committee Management Coordinator.

April 16, 1982.

[FR Doc. 82–11365 Filed 4–23–82; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Physics; Subcommittee for Review of NSF Nuclear Science Programs

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463 the National Science Foundation announces the following meeting:.

Name: Advisory Committee for Physics; Subcommittee for the Review of NSF Nuclear Science Programs.
Date and time: May 13–14, 1982; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 341, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Margrete S. Klein, Staff Associate, Division of Physics, Room 341, National Science Foundation, Washington D.C. 20550, Telephone (202) 357–7611.
Purpose of subcommittee: To provide oversight concerning NSF support and planning for research in nuclear science.

Agenda: To review NSF Nuclear Science Section documentation as part of the program oversight function.

Reason for closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will also include a review of the peer review documentations pertaining to applicants. 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 Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 21, 1982.

FR Doc. 82–11367 Filed 4–23–82; 8:45 am]

BILLING CODE 7555–01–M

Materials Research Advisory Committee

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Materials Research Advisory Committee
Place: Room 540, National Science Foundation, 1800 G Street, NW, Washington, DC 20550
Date: Thursday, May 13, Friday, May 14, and Saturday, May 15, 1982
Time: 9:00 a.m.–5:00 p.m., those days
Type of meeting: Part Open—May 13, 9–2 (Open), May 13, 2–5 (Closed); Part Open—May 14, 9–2 (Open), May 14, 2–5 (Closed), May 15, 9–5 (Open)
Contact person: Dr. Lewis H. Nosanow, Acting Director, Division of Materials Research, Room 408, National Science Foundation, Washington, D.C., Telephone: (202) 357–9794
Summary minutes: May be obtained from the Contact Person, Dr. Lewis H. Nosanow, at the above stated address.

Purpose of subcommittee: To provide advice and recommendations concerning support of materials research.

Agenda

Thursday, May 13, 1982–9:00 a.m. to 2:00 p.m.—(Open)

9:00 a.m.—Introductory remarks and overview of Mathematical and Physical Sciences Directorate and Division of Materials Research (DMR).
10:30 a.m.—Report of External Peer Oversight of the Solid State Chemistry Progam
12:00 noon—Lunch
1:00 p.m.—Report of External Peer Oversight of the Solid State Chemistry Program (Continued)
2:00 to 5:00 p.m.—Closed Session—Review of Problem and Marginal Proposals

Friday May 14, 1982—9:00 a.m. to 2:00 p.m. (Open)

9:00 a.m.—Long-range Trends, Opportunities, Needs and Priorities in Materials Research
10:30 a.m.—Report of External Peer Oversight of the Condensed Matter Theory Program
12:00 noon—Lunch
1:00 p.m.—Report of External Peer Oversight of the Condensed Matter Theory Program (Continued)
2:00 to 5:00 p.m.—Closed Session—Review of Problem and Marginal Proposals

Saturday, May 15, 1982—9:00 a.m. to 5:00 p.m. (Open)

9:00 a.m.—Long-range Trends, Opportunities Needs and Priorities in Materials Research (Continued)
12:00 noon—Lunch
1:00 p.m.—Status reports on reorganization, staffing, special programs, etc.
2:30 p.m.—Business Session
3:00 p.m.—Concluding Discussion
5:00 p.m.—Adjourn

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 Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Cordinator

April 16, 1982.

[FR Doc. 82–11366 Filed 4–23–82; 8:45 am]

BILLING CODE 7555–01–M

Subpanel on Regulatory Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Regulatory Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.
Date and time: May 13 and 14, 1982 (8:30 am to 5:00 pm).
Place: Conference Room 338, National Science Foundation; 1800 G Street, NW., Washington, DC 20550.
Type of meeting: Closed.
Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, DC 20550, Telephone 202/357–7975.
Purpose of subpanel: To provide advice and recommendations concerning support for research in regulatory biology.

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 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 16, 1982.

[FR Doc. 82–11368 Filed 4–23–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 84 to Facility Operating License No. DPR–31 and Amendment No. 78 to Facility Operating License No. DPR–41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate changes in the Technical Specifications, Appendix A to the licenses, which incorporate results of the NRC fire protection review dated March 21, 1979.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 10, 1981, as supplemented February 11, 1982, (2) Amendments Nos. 84 and 78 to License Nos. DPR–31 and DPR–41, 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of April 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-11292 Filed 4-23 82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-OL]

Long Island Lighting Co., (Shoreham Nuclear Power Station Unit 1); Schedule and Locations for Evidentiary Hearing and Further Opportunity for Limited Appearance Statements

April 20, 1982.

Evidentiary Hearing

The first phase of the evidentiary hearing in this proceeding on the application of the Long Island Lighting Company for a license to operate the Shorham Nuclear Power Station will be conducted generally on a Tuesday through Friday schedule between the dates of May 4–7, 1982, and May 25–August 5, 1982, (with the exception of a one-week recess which will be scheduled). On Tuesdays the hearing will convene at 10:30 AM. On the other days, the hearing will convene at 9:00 AM.

The hearing locations through the end of June, 1982, will be as follows:

May 4–7: Riverhead Suffolk County Center, Legislative Hearing Room, Center Drive, Riverhead, New York 11901
May 25: Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901
May 26–28: Riverhead Suffolk County Center
June 1–4:
June 8–11: New York State Court of Claims
June 15–18: State Office Building, Third Floor, "B" Building, Veterans Memorial Highway, Hauppauge, New York 11787
June 22: Riverhead Town Hall
June 23–25: Riverhead Suffolk County Center
June 29–July 2:

Limited Appearance Statements

Due to the large number of people who wished to speak, many persons did not get the opportunity to do so at the previously held limited appearance sessions. Therefore, persons who are not parties to the proceeding who did not make a previous oral limited appearance statement may do so by appearing at the evidentiary hearing location shortly before 5:00 PM on Tuesday, Wednesday, or Thursday, commencing with the May 26, 1982, hearing session. The Board will hear up to four limited appearance statements a day. Oral statements will be limited to five minutes but written statements may be any reasonable length. Those who speak may also submit written statements. In addition, written statements may be mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Since a one week recess will be scheduled between mid-June and early July, 1982, persons may wish to contact the NRC Public Information office in Washington, D.C. or King of Prussia, Pennsylvania, LILCO's offices or the Suffolk County Attorney's office to ascertain whether the hearing is in session during that time period.

Bethesda, Maryland, April 20, 1982.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

[FR Doc. 82-11294 Filed 4-23-82; 8:45 am]

BILLING CODE 7590-01-M

Subagreement Between the State of Washington and the NRC Related to Use of Third Party Data in Transportation Enforcement Cases

The Subagreement published below describes the cooperative regulatory policy being implemented by the NRC and the State of Washington with regard to enforcement activities at the waste burial site near Richland, Washington. A Memorandum of Understanding between the NRC and the State of Washington signed on September 6, 1978 (published September 27, 1978, 43 FR 43774 ff), forms the basis for this Subagreement.

FOR FURTHER INFORMATION CONTACT: Robert D. Thomas, Chief, Materials Radiation Protection Section, Telephone 415–943–3700, U.S. Nuclear Regulatory Commission, Region V, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

Dated at Bethesda, Maryland this 15th day of April 1982.

For the Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[DSHS Contract No. 4007–BGA–33253]

Subagreement Between the State of Washington and the NRC Related to Use of Third Party Data in Transportation Enforcement Cases

Background

The State of Washington has had State inspectors at the low level radioactive waste burial site near Richland, Washington on a full time basis, whenever the site is operating. The U.S. Nuclear Regulatory Commission (NRC) has had NRC inspectors at the site an average of about four days per month. This has resulted in uneven enforcement actions against NRC licensees because, in the past, NRC actions have been limited to observations by the NRC inspectors. The NRC has determined that information gathered by State of Washington inspectors can be used by the NRC in enforcement actions against NRC licensees. This will result in more effective and more uniform enforcement action overall. This also should improve the radiation safety during transportation of radioactive waste and during its receipt and handling at the burial site.

It is recognized that utilization of the concept discussed above will require agreement and cooperation from both parties. It is expected that utilization of this concept will not require excessive effort or extensive program changes by either the State or NRC, and in the overall effect will be advantageous to both parties.

On September 6, 1978, the NRC and the State of Washington signed a Memorandum of Agreement which expressed the desire of both parties to cooperate in the regulation of nuclear activities. That broad Memorandum of Agreement anticipated subagreements related to more specific areas of cooperation. This Subagreement to the Memorandum of Agreement is intended to define the broad policy matters involved in cooperation on transportation enforcement matters. It is expected that both parties will develop operating procedures to implement these policies.

Agreements and Understandings

In order to define and clarify the roles of the State of Washington and the NRC, those two parties agree as follows:

1. This Subagreement does not alter the authority of the State to issue and to terminate user permits, to regulate operations at the site that are normally under the jurisdiction of the State, and to take any other actions normally under State jurisdiction.

2. This Subagreement does not alter the authority of the NRC to take enforcement actions against its licensees for violations of NRC regulations and requirements.

3. Efforts will be made by both parties to avoid duplicative and excessive action against a shipper for the same violation. This is not meant to preclude appropriate dual actions such as termination of a user permit by the State and NRC enforcement action for the same violation.

4. Best efforts will be made by both parties to keep the other informed in a timely manner of any significant enforcement actions, status of pending cases, changes in regulations, interpretation, new developments, proposed Information Notices, Circulars, Bulletins or other announcements and information in the transportation area.

5. When a violation of NRC or DOT requirements is observed by a State inspector in a shipment which originated at an NRC licensee, the following steps will be taken.

a. The State of Washington will notify NRC Region V by telephone. During this telephone discussion, a decision will be made whether the situation is serious enough for an NRC inspector to respond to the site.

b. If an NRC inspector is to respond, such response will be within 24 hours of the notification if at all possible. No action is required of the State of Washington except to make arrangements to have the package or shipment held until the arrival of the NRC inspector.

c. If the decision is that an NRC inspector will not respond, a decision will be made during the telephone conversation whether the NRC wants to consider action on the matter. Many situations may be of minor significance and questionable importance, and neither party will wish to take any formal action.

d. If the NRC wishes to consider enforcement action on the matter, the State of Washington will supply information in writing to the NRC. The amount of information will be kept to the minimum necessary for effective enforcement action. Information will be in a mutually agreeable format and will be completed in a timely manner.

e. It is recognized that should an NRC licensee formally protest enforcement action based on information supplied by a State inspector, that State inspector could be needed to provide testimony at an NRC hearing. The NRC will fund any travel costs associated with such testimony, and will supply and necessary legal support for the State inspector.

6. The principal contact for these matters within the Region V NRC office is the Chief, Materials Radiation Protection Section, Robert D. Thomas, telephone 415–943–3700. The principal contact for these matters in the State of Washington will be Nancy P. Kirner, telephone 206–753–3459.

7. This Subagreement shall take effect immedately upon signing by the State and the Nuclear Regulatory Commission, and may be terminated upon 30 days written notice by either party.

For the State of Washington.

John A. Beare,

M.D., M.P.H., Director, Health Services Division, Department of Social and Health Services.

Dated this 8th day of January 1982 at Olympia, Washington.

For the United States Nuclear Regulatory Commission.

R. H. Engelken,

Regional Administrator, Region V.

Dated this 14th day of December 1981 at Walnut Creek, California.

For the State of Washington.

Robert Copeland,

Contracting Officer.

January 19, 1982.

[FR Doc. 82-11293 Filed 4-23-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Ad Hoc Metal Components Subgroup; Meeting

The ACRS Subcommittee on Ad Hoc Metal Components Subgroup will hold a meeting on May 11 and 12, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the status of the pressurized thermal shock matter with the NRC Staff and its consultants and the industry. Notice of this meeting was published April 13.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only be members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information and industrial security. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, May 11 and 12, 1982—8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information and industrial security. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 20, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-11295 Filed 4-23-82; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0188]

Mercantile Dallas Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Mercantile Dallas Corporation, 1704 Main Street, Dallas, Texas 75222, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.*), has filed an application with the Small Business Administration, pursuant to Section 312 of the Act and covered by § 107.1004(b)(1) of the Regulations governing small business investment companies (13 CFR 107.1004 (1982)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

The Licensee proposes to make a $75,000 loan to Robert L. and Janice Lhota. Mr. Lhota is considered to be an Associate of the Licensee under Section 107(3)(h) of the Regulations as Mrs. Lhota is an employee of the Mercantile National Bank, a majority owner of the Licensee.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of this notice, submit written comments on the proposed transaction to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 21, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

FR Doc. 82-11310 Filed 4-23-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 82-80]

Customs Approved Public Gauger; Approval of Public Gauger Performing Gauging Under Standards and Procedures Required by Customs

Notice is hereby given pursuant to the provisions of § 151.43 of the Customs Regulations (19 CFR 151.43) that the application of Grover Morgan Loss Control and Inspections, Inc., 5115 Coventry Court, Friendswood, Texas 77546, to gauge imported petroleum and petroleum products in all Customs districts, in accordance with the provisions of § 151.43 of the Customs Regulations is approved.

Dated: April 20, 1982.

A. Piazza,

Deputy Director, Entry Procedures and Penalties Division.

[FR Doc. 82-11218 Filed 4-23-82; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Schedule of Cost Reviews

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under OMB Circular A-76, Policies for Acquiring Commercial or Industrial Products and Services needed by the Government, three activities will be studied by the VA Supply Depot, Hines, Illinois, in order to determine if they should continue to be performed by VA employees or be converted to contract operations. This determination will be made in accordance with OMB Circular A-76 and the Cost Comparison Handbook. The following functions will be reviewed at the Depot and are published for the notification of all interested parties:

Function and Date of Review

Service and Reclamation, March 1, 1983
Grounds Maintenance and Snow Removal, March 1, 1983
Motor Vehicle Operation (Messenger), March 1, 1983

FOR FURTHER INFORMATION CONTACT: John Cobis, Jr., Director, Distribution Management Service (94), Office of Procurement and Supply, VA Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-2306.

Dated: April 20, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-11273 Filed 4-23-82; 8:45 am]

BILLING CODE 8320-01-M

Vocational Rehabilitation

AGENCY: Veterans Administration.

ACTION: Notice and request for public comment.

SUMMARY: The Veterans Administration is publishing for notice and public comment statements of procedures which have been adopted by the agency in order to implement some of the provisions of the Veterans Rehabilitation and Education Amendments of 1980. These statements will better acquaint veterans, eligible persons, educational institutions and the public at large with the way these provisions are being implemented.

DATE: Comments must be received on or before May 26, 1982.

ADDRESS: Interested persons are invited to submit written comments, suggestions or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only in room 132 at the above address between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until June 10, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Patrick Sweeney, Assistant Director for Policy and Program Development, Vocational Rehabilitation and Counseling Service (282), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2888.

SUPPLEMENTARY INFORMATION: This publication contains appendices to DVB Circular 28-80-3, Vocational Rehabilitation and Counseling Provisions of the Veterans' Rehabilitation and Education Amendments of 1980 (Pub. L. 96-466). The basic circular, DVB Circular 28-80-3, was published for information on page 4016 of the **Federal Register** of January 16, 1981 (46 FR 4016). Appendices A through K implementing provisions of the law were published on page 29808 of the **Federal Register** of June 3, 1981 (46 FR 29808).

These appendices to DVB circular 28-80-3 implement additional provisions of Title I, Pub. L. 96-466 having to do with the Veterans Administration Vocational Rehabilitation program. The issues being published include:

Independent Living Services (Appendix O)
Employment Services (Appendix P)

These issues have been implemented and have been distributed through normal channels to interested persons. Comments received will be used in developing changes to these appendices.

Dated: April 16, 1982.

Robert P. Nimmo,

Administrator.

Appendix O—Independent Living Services

1. *Purpose.* This issue gives background information on independent living, instructs Vocational Rehabilitation and Counseling staff regarding the provision of independent living services to Chapter 31 trainees and details the operation of the independent living pilot program.

2. *Background.* Pub. L. 96-466, "Veterans' Rehabilitation and Education Amendments of 1980," directs that necessary services may be provided to enable a veteran with a service-connected disability to achieve maximum independence in daily living. Pub. L. 96-466 extends the mission of Chapter 31 beyond training for and obtaining employment to training for and maintaining maximum independence in daily living.

3. *General.* a. *Definition of Independence in Daily Living.* Independence in daily living means the ability of a veteran, without the services of others or with reduced level of services of others, to live and function within such veteran's family and community (38 U.S.C. 1501 (2)). In this circular, the term "independent living" is synonymous with "independence in daily living." For definitions of other related terms refer to exhibit 1.

b. *Goal of Independent Living.* The goal of independent living programs is to increase the veteran's options and improve the quality of life for that individual. Options may be limited by skill deficits or physical, environmental or psychological factors. Limitations due to deficient living skills may be countered through training in problem-solving or in living skills (managing personal care attendants, using adaptive equipment, shopping, etc.) Technological devices (motorized wheelchair, vehicle modification, etc.) or supportive services (attendant care, health maintenance programs, etc.) may minimize physical factors which increase the veteran's dependence on others. Architectural modifications and advocacy to promote handicapped persons' rights to barrier-free access may reduce environmental

problems. Peer and professional counseling may decrease psychological limitations to independence. A handicapped veteran's anxiety about discharge from an institution may be reduced by interaction with a disabled person who is successfully adjusting to community living. A relative may be more accepting of a veteran's desire for independence after family counseling.

c. *Independent Living Services and the Rehabilitation Process.* The aim of an independent living program is not necessarily for the handicapped individual to be able to live alone in the community with no support services. Rather, the goal is for that individual to have the skills necessary to choose an acceptable lifestyle and then be able to manage it with minimal reliance on others. Services may be required indefinitely to maintain the highest possible level of independence while enhancing the veteran's quality of life.

d. *Identification of Independent Living Needs.* The following are some, but not all, of the areas which should be reviewed when determining a veteran's independent living needs.

(1) *Activities of Daily Living.* Evaluate what assistance is required to meet daily needs of walking and movement, personal hygiene, dressing and eating.

(2) *Independent Living Skills.* Determine the extent to which the disabled veteran has mastered skills for independence such as coping, self-help, problem solving, assertiveness, household management, attendant management and occupational, social and recreational activities.

(3) *Housing.* Ascertain whether the veteran resides in an institution or requires halfway house services. Note the type of assistance (human or mechanical) required at home and the degree to which he or she is independent in or out of the home.

(4) *Transportation.* Establish whether the veteran is or could become mobile with specially adapted vehicles, uses community transportation, or is homebound or institutionbound.

(5) *Health Maintenance.* Determine how much assistance is necessary for the veteran to follow prescribed medical regimes.

(6) *Motivation.* Identify the independent living goals held by the veteran, assess his or her level of motivation to reach them, and determine the amount of anxiety related to achieving a more independent lifestyle.

e. *Resources for Independent Living.* Independent living services may be lifelong needs and may have to be met by other than the VA time-limited programs under Chapter 31. Therefore, independent living services should first be provided through existing VA programs (other than Chapter 31) and non-VA funding sources.

(1) *VA Resources.* Existing VA benefit programs and DM&S facilities may be used to meet independent living needs. Veterans should be helped to obtain those relevant benefits and services to which they are entitled.

(a) *Compensation.* Veterans who are disabled by injury or disease incurred in or aggravated by active service in line of duty and discharged or separated under other than dishonorable conditions may be entitled to monthly benefits which range from $58 to $1,130. Additional amounts are payable for dependents of those veterans with disabilities evaluated at 30 percent or more. For those veterans with certain severe disabilities, up to $3,223 monthly are payable.

1. Housebound. When the veteran is substantially confined to his or her home or immediate premises due to a permanent service-connected disability, an additional housebound allowance is payable.

2. Aid and Attendance. When a veteran requires the assistance of another to perform life's basic functions and to protect him or her from hazards or dangers incidental to daily life, aid and attendance benefits are payable. If the veteran requires a higher level of care, that is if not for this care, hospitalization would be required, then a higher aid and attendance allowance is payable.

(b) *Pension.* Veterans who served for a period of at least 90 days (one day of which occurred during a wartime period) and were released from active duty under other than dishonorable conditions and are permanently and totally disabled may be entitled to a pension. Rates are based on the amount of countable veteran and family income and are adjusted up or down with income changes. Housebound and aid and attendance increases may also be awarded as described for compensation.

(c) *Clothing Allowance.* An annual allowance is payable to any veteran who, because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance which tends to wear out or tear clothing.

(d) *Automobiles or Other Conveyances.* A one-time payment of an automobile allowance may be made if a veteran has the service-connected loss (or loss of use) of one or both hands or feet, or permanent impairment of vision of both eyes. There also is payment for adaptive equipment and for repairs, replacement and reinstallation of this equipment on subsequent vehicles.

(e) *Specially Adapted Homes.* Veterans with service-connected disabilities which are permanent and total because of the loss (or loss of use) of both lower extremities, blindness in both eyes and loss of use of one lower extremity, or loss (or loss of use) of one lower extremity together with residuals of organic disease or injury or loss (or loss of use) of one upper extremity which affect balance or propulsion as to preclude locomotion would be entitled to a one-time grant.

(2) *Non-VA Resources.* Local, State and Federal resources may be used to finance independent living services. These resources should be used whenever the veteran qualifies and the resources are relevant to the veteran's needs. Some examples are listed below.

(a) *Social Security.* Income to eligible retired or disabled workers.

(b) *Supplemental Security Income.* Cash benefits to eligible low income persons and others. Food stamp entitlement in some States.

(c) *Lower Income Housing Assistance Program.* Subsidies to eligible low income persons to cover the difference between their contribution to rent and actual cost.

(d) *Reduced Fares, Urban Mass Transportation Act, Amended.* Reduced transportation rates to eligible disabled or elderly persons if the available transportation system receives Federal funds.

(e) *Medicare and Medicaid.* Reimbursement of specified medical services for the eligible needy.

(3) *Established Independent Living Programs.* Resources include non-VA independent living programs in addition to those funding programs for discrete services. Such programs coordinate referrals or provide services necessary for disabled persons to live more independently. Service-disabled veterans may qualify for these programs and may even have a legal priority to them. Services provided vary depending upon the program. Care should be taken in the selection of such independent living programs. Programs must be sponsored by public or nonprofit agencies or organizations which have demonstrated the capability to conduct programs of independent living services for severely handicapped persons. VR&C staff should consider programs which are accredited by the CARF (Commission of Accreditation of Rehabilitation Facilities) or those which are State licensed. In most cases those independent living programs receiving funding from RSA (Rehabilitation Services Administration) which have successfully provided services for at

least 12 months should be utilized. The following DM&S Independent Living Centers also may be used: Topeka, Kansas; Brentwood, California; Wood, Wisconsin; Northport, LI, New York; Richmond, Virginia; and Little Rock, Arkansas.

4. *Independent Living Services Under Chapter 31.* a. *Services Provided in Three Situations.* Independent living services may be provided during extended evaluation, Chapter 31 training for a vocational objective and the independent living pilot program.

b. *Eligibility and Entitlement.* To be eligible for independent living services under Chapter 31 a veteran must meet the basic eligibility and entitlement criteria as set forth in DVB Circular 28–80–3, Appendix D (38 U.S.C. 1502).

c. *Initial Evaluation.* The initial evaluation procedures as described in DVB Circular 28–80–3, Appendix G will be followed for veterans referred, or applying directly, for the pilot program. Data relevant to the veteran's independent living needs and motivation for independent living will also be reviewed. If a veteran for whom a comprehensive analysis of independent living services needs has been completed applies directly for the pilot program, the VR&C Officer may certify, after determining that basic eligibilty and entitlement criteria are met, that no additional evaluation is necessary. The VR&C Officer may then directly refer the veteran to the VRB (Vocational Rehabilitation Board) for pilot program consideration. If during the intial evaluation the CP (Counseling Psychologist) has reason to believe the veteran will need independent living services to obtain the vocational objective, consideration will be given to data relevant to independent living needs.

d. *Scope of Services.* Those services necessary to achieve maximum independence in daily living may be provided. Some of the independent living services which may be authorized are listed below.

(1) Training in activities of daily living;

(2) Training in independent living skills;

(3) Attendant care;

(4) Transportation;

(5) Peer counseling (when a requirement of an established independent living program);

(6) Evaluation or training in an independent living program;

(7) Housing (group, transitional or housing specifically designed to meet the needs of the handicapped).

e. *Monetary Assistance.* Subsistence allowance will be paid as described in DVB Circular 28–80–3, Appendix H, paragraph 6. Costs or subsistence allowance may be paid in the same manner as for veterans in specliaized rehabilitation facilities.

f. *Travel.* A special transportation allowance may be paid to a veteran who because of disability has travel expenses not incurred by a person without a disability. For additional details refer to DVB Circular 28–80–3, Appendix H, paragraph 6b(2).

g. *Procurement of Services.* Reimbursement for authorized independent services shall be in accordance with VA Procurement Regulations, Subpart 8–95.2 (Vocational Rehabilitation and Education Program).

h. *Individualized Rehabilitation Plans.* When independent living services are provided, they will be incorporated in a written rehabilitation plan. During extended evaluation and training for a vocational objective, such services will be incorporated in the IEEP (Individualized Extended Evaluation Plan) and the IWRP (Individualized Written Rehabilitation Plan) in accordance with DVB Circular 28–80–3, Appendix I. Documentation of independent living services provided through the pilot program will be recorded in the IILP (Individualized Independent Living Plan) detailed in paragraph 7e.

i. *DM&S–DVB Linkage.* (1) *Referrals from DM&S.* A veteran identified by DM&S staff for possible participation in the independent living pilot program should be referred to the DM&S case manager who will contact the VR&C Officer in the regional office of jurisdiction. A completed VA Form 28–1900 (Disabled Veterans Application for Vocational Rehabilitation) and supporting medical evidence should accompany the referral.

(2) *Coordination with DM&S.* If veterans are receiving care in a DM&S facility or it is anticipated that DM&S services will be utilized, the DM&S case manager must be consulted during the development of the written rehabilitation plan to assure that a single, coordinated plan is formulated for the veteran. When DM&S services are provided by a designated DM&S Independent Living Center, the Center team leader (or designee) also shall be consulted. A copy of the completed plan and all subsequent redevelopments of the plan will be forwarded to these persons.

5. *Independent Living Services During Extended Evaluation.* a. *Authorization of Services.* The CP may recommend independent living services during extended evaluation only when they are related to the determination of feasibility for a vocational goal. If the CP recommends such services, the VR&C Officer's concurrence must be obtained. The VR&C Officer may request consultation with the VRB if desired. If such services are determined to be necessary, this decision must be carefully documented. If reasonable feasibility for a vocational goal was determined during initial evaluation, a veteran may not be placed in extended evaluation as a mechanism to provide independent living services.

b. *Duration of Services.* Independent living services may be authorized until the intermediate objective specified in the IEEP is either met or revised. Independent living services may not be provided beyond the basic or additional periods of extended evaluation except as provided in paragraphs 6 and 7 (refer to DVB Circular 28–80–3, Appendix H, paragraph 5).

6. *Independent Living Services During Training for a Vocational Goal.* a. *Authorization of Services.* Independent living services may be provided when the veteran is in a Chapter 31 training program if the CP determines such services are necessary to achieve the vocational goal and if the VR&C Officer concurs. The VR&C Officer may request the opinion of the VRB if deemed necessary.

b. *Duration of Services.* Independent living services may be authorized until the intermediate IWRP objective requiring such services is either met or revised or until the veteran is rehabilitated to the point of employability.

c. *Supervision.* Supervision will follow procedures as detailed in DVB Manual M28–1, part II, Chapter 4.

7. *Pilot Program of Independent Living Services.* a. *General.* Pub. L. 96–466 specifies that the VA will conduct a pilot program of independent living services starting in FY 82 and continuing through FY 85. This program will provide independent living services for veterans (up to 500 new entrants each year) for whom it has been determined that achievement of a vocational goal is not reasonably feasible. Selection of program participants must assure geographical and disability type representation and controls necessary to evaluate the program. An inpatient veteran in a DM&S facility or in a nursing home under contract to the VA may be recommended for a program of independent living services under Chapter 31.

(1) *Program Evaluation Requirements.* Central Office will prepare a report detailing accomplishments and cost-effectiveness of this pilot program to be

sent to Congress no later than September 30, 1984. The report will recommend any legislative changes with respect to the provision of independent living services to veterans.

(2) *Veteran's Understanding of Pilot Program.* The veteran should be informed that even with a positive VRB recommendation for pilot program participation acceptance is not automatic. Central Office approval must be obtained and the final decision will be based, in part, on program evaluation criteria. Informing the veteran of this process and the time it will take may minimize any misunderstanding.

b. *Role of the Counseling Psychologist.* (1) *Identification of Veterans.* The CP may conclude during initial or extended evaluation that a vocational objective is infeasible and that the veteran may benefit from a comprehensive program of services directed toward an independent living goal.

(2) *Prepare Referral to VRB.* The CP will refer all veterans deemed likely to benefit from the pilot program to the VRB for review. The CP may request the VRB's consultation on veterans for whom this determination cannot be clearly made. For each veteran referred to the VRB, the CP will prepare a memorandum and direct it to the chairperson of the Board. It will contain the following:

(a) Brief assessment of the veteran's motivation for an independent living program.

(b) Summary of relevant medical history which is to be accompanied by copies of the records from which the history was summarized.

(c) Program evaluation forms (see subparagraph f below).

(d) Other data which may assist the Board to make its recommendations. The memorandum shall be received by the DM&S physician 5 working days prior to the VRB's meeting. The CP should present the case in person. Although the veteran need not be present, he or she must be informed about the meeting and a request to appear or to be represented will be honored.

(3) *Implementation of VRB Recommendations.* The CP will be responsible for the implementation of the VRB's recommendations. Considering the VRB's recommendations, the CP, in consultation with the veteran and the VRS, will formulate the IILP. Refer to subparagraph e below.

c. *Role of VRB.* (1) *Determination of Feasibility of Independent Living Goals.* The VRB will review the CP's recommendations regarding the feasibility of an independent living goal for the referred veteran. The VRB in deciding whether a veteran would benefit from a comprehensive program of independent living services will consider the following criteria:

(a) The achievement of a vocational goal is determined by the CP to be not reasonably feasible as shown in item 4 of VA Form 28–8871, Certification of Eligibility/Feasibility.

(b) The veteran's disability must be interfering with or preventing maintenance of maximum independence in daily living.

(c) The veteran must exhibit potential for favorable change in critical functions such as mobility, communciation or self-care.

(d) The veteran must possess the physical, emotional and intellectual capacity or potential to carry out the demands of an independent living program.

(e) The deteriorative aspect of the veteran's disability should not be more rapid than the rehabilitation process.

(f) The veteran must be motivated to achieve independent living goals.

(2) *Determination Decisions.* (a) *Recommendation for Program of Independent Living Services.* If after evaluation of the referral, the VRB believes that an independent living goal is feasible for the veteran, it will recommend the veteran's inclusion in the pilot program. The VRB may recommend specific independent living objectives and services to be included in the IILP.

(b) *Nonrecommendation.* If the VRB believes that an independent living goal is not feasible, it will recommend that the veteran not be placed in the pilot program. Following such a recommendation, the VRB will, whenever possible, prescribe a plan to improve the veteran's condition so that entry into the pilot program may become feasible.

(c) *Addional Information Needed.* If the VRB believes that additional data are necessary to make a recommendation regarding the feasibility of a program of independent living services, the VRB may return the case to the CP for further development.

(3) *Forward Documentation to Central Office.* For all cases referred for evaluation for the pilot program and not returned to the CP for further development, the VRB chairperson will be responsible for forwarding copies of the following to the Field Director (281B) within 7 calendar days following the VRB meeting:

(a) All data listed in subparagraph b(2) above with the exception of copies of records from which the history was summarized.

(b) Summary of VRB's recommendations.

d. *Role of Central Office* (1) *Approval for Inclusion in Pilot Program.* To assure meeting legal mandates and to implement the program evaluation aspect of the pilot project, no veteran may be authorized to receive independent living services under the pilot program until the VR&C Officer receives Central Office notification of the veteran's acceptance.

(2) *Program Evaluation.* Central Office will be responsible for assuring collection of program evaluation data on all veterans referred for the pilot program. This includes those veterans referred for but not accepted for the program. Central Office will maintain a list of all veterans who were denied admittance on the basis of program evaluation criteria. If these veterans can be placed in the program at a later time, Central Office will notify the appropriate regional office.

e. *IILP.* (1) *Scope of Services.* Independent living services detailed in paragraph 4 may be provided during the pilot program. Other services which may be provided are listed in Title 38, U.S. Code, section 1504. Only vocational or other training courses which are incidental to achieving intermediate independent living goals may be used as a part of the services provided under a pilot program.

(2) *Duration of Services.* Independent living services may be provided in the pilot program until the goals in the IILP are met or up to 24 months, whichever is the lesser period. An additional period for independent living services may be recommended by the CP and approved by the VRB. Only one additional period of up to 6 months may be granted and only if such an extension is very likely to result in significant additional gains in independence which will most likely be maintained after termination of the program. Central Office must be notified of all decisions, whether positive or negative, regarding program extension.

(3) *Development of IILP.* Information developed in the initial and any extended evaluation will be synthesized and organized into this individualized plan. The CP is primarily responsible for the formulation of the plan based on the veteran's needs. The CP will consult with the VRS, the VRB and other rehabilitation personnel, as appropriate, in developing the plan. If the CP, VRS or veteran are unable to agree on the terms of the plan, the CP will expeditiously request a review of the proposed plan by the VR&C Officer who will resolve

the disagreement and assure that development of an appropriate plan continues. The IILP must be completed, signed by the veteran and a copy forwarded to the Field Director (281B) within 14 calendar days from the date the VR&C Officer receives notification from Central Office of the veteran's approval for the program.

(4) *Documentation of IILP.* VA Forms 28–8872 (Rehabilitation Plan) and 28–8872a (Rehabilitation Plan Continuation Sheet) will be used to record the IILP, any subsequent IILP changes and progress toward reaching the objectives. On VA Form 28–8872 the letters "IILP" will be handwritten in item 5.

(5) *Veteran's Approval.* The veteran's maximum cooperation will be solicited in negotiating and agreeing to the terms of the IILP. The veteran should be the primary developer of the IILP. When all substantive terms of the plan have been developed, agreed upon, and documented, the CP, VRS and veteran will sign the plan, indicating their mutual understanding and acceptance of the terms. The veteran will be provided a copy of the final completed plan.

(6) *Rights of Review.* The procedure described in DVB Circular 28–80–3, Appendix I, paragraph 9, will be followed to assure the veteran's right to review his or her IILP.

(7) *IILP Implementation.* The VRS is primarily responsible for implementing the IILP and for monitoring the veteran's progress. The VRS will apply the basic procedures for providing assistance to the veteran and supervising the rehabilitation program described in DVB Manual M28–1, Part II, Chapter 4. Frequency of supervision of pilot program participants should follow that outlined in chapter 4, paragraph 4.02b, for special rehabilitation cases. The VRS will assure that the terms of the plan are implemented in a timely manner. In addition to arranging and coordinating the delivery of the rehabilitation services outlined in the plan, the VRS will periodically evaluate the veteran's progress in the program using the criteria and evaluation procedures agreed upon in the plan.

(8) *Revising the IILP.*

(a) *Documentation of Changes.* All changes to the plan will be sufficiently documented. When the change is a minor adjustment to the plan (i.e., changing a scheduled evaluation), the VRS will take appropriate action, confirm the change with the veteran, and document it on the plan. Substantive changes to the plan (e.g., revising a number of objectives or services) will be accomplished by the VRS and the veteran and will require amending the plan.

(b) *Changes in the Plan Goal.* A change in the plan goal requires that the plan be redeveloped. The VRS will refer the case to the CP and will assist in redevelopment. A copy of all amendments to the plan or redeveloped plans will be given to the veteran.

(c) *Central Office Notification.* All changes in the IILP will be sent to the Field Director (281B) by the VRS within 14 calendar days of the change for the mandated program evaluation study.

(9) *Performance Review.* The plan and the veteran's progress toward his or her program goal will be reviewed and evaluated periodically by the VRS and the veteran. All information concerning the veteran's progress in the program will be considered during reviews and evaluations and the evaluation procedures and schedule outlined for each objective will be followed. Reviews will be more frequent than those for veterans in the Chapter 31 training program due to the severity of the disability groups served under this program. At least once every 6 months the VRS and the veteran will review the total plan and the veteran's progress in the program. On the basis of these reviews the VRS will determine whether the plan should be redeveloped, amended or retained in its present form.

(10) *Documentation of Performance Reviews.* Results of periodic evaluations and the 6-month review will be documented on the IILP. Periodic evaluations of a veteran's progress toward an intermediate objective will be documented in the Progress Notes section of the plan. If, after completing the 6-month review, it is determined that the terms of the plan will not change, this decision will be documented and initialed by the veteran and the VRS. Changes to the plan as a result of the 6-month review will be accomplished following procedures outlined in subparagraph (9) above.

f. *Pilot Program Evaluation.* Evaluation of the outcome of independent living services and the cost-effectiveness of the pilot program is mandated by Pub. L. 96–466. Upon receipt of forthcoming instructions, specialized data collection forms (currently being developed) will be completed and returned to Central Office at scheduled intervals to assure the collection of necessary data. Until both the instructions and forms are issued, program evaluation forms will not be required for presentation to the VRB (see subparagraph b(2)(c) above).

Dorothy L. Starbuck,
Chief Benefits Director.

Definitions

Activities of Daily Living: Activities related to meeting daily living needs. Examples are dressing, eating, mobility, personal hygiene.

Attendant: One who is hired and directed by a disabled person to perform tasks necessary to that disabled person's ability to live independently. Such chores may be dressing the disabled person, preparing meals, etc. Also called PCA (personal care attendant).

Group Housing: Small group of disabled persons living in a group setting. Attendants and transportation may be shared.

Independent Living: Control over one's life based on a choice of acceptable alternatives which minimize the disabled person's reliance on others for decision making and performing everyday activities.

Independent Living Center: A type of independent living program which provides, at the minimum, and through coordination or referral, the following: Housing assistance, attendant care, readers and/or interpreters, peer counseling, financial and financial and legal advocacy, community awareness and barrier removal programs.

Independent Living Program: A program which coordinates referrals for or provides services necessary for disabled individuals to live more independently. Such programs are community based and have involvement of handicapped persons in their management and operation. This term is the broadest term and covers all programs providing services to disabled persons necessary for independence. Independent living centers, residential, and transitional programs, and independent living service providers are examples of different types of independent living programs.

Independent Living Service Providers: An agency which provides discrete services necessary for a disabled person to live more independently. DM&S Outpatient Services designed to maintain the health of a disabled person would be an example of an independent living service provider. However, a DM&S Independent Living Center (i.e., Topeka, Brentwood, Wood, Northport, Little Rock, Richmond) which coordinates or provides a range of services necessary for independent living would be an independent living program.

Independent Living Services and Assistance: Subsistence allowance and services provided for in Chapter 31, Title 38, U.S. Code, that are needed to enable a veteran to achieve independence in daily living including such counseling, diagnostic, medical, social, psychological and educational services needed for the veteran to achieve maximum independence in daily living.

Independent Living Skills: Those necessary to maintain control over one's life and needed when one lives with minimal reliance on others. Examples: Attendant management, budgeting and financial management, consumer affairs skills, sexuality, medical maintenance, managing a house, coping skills, assertiveness skills, self-help skills.

Residential Program: A type of independent living program. The program coordinates or provides attendant services and transportation. It is a live-in program.

Transitional Housing: Time-limited housing designed to assist disabled person's transition from an institution to the community.

Transitional Program: A type of independent living program. Such programs are usually time limited. They provide training necessary for a disabled person to move from a relatively dependent living situation to a more independent situation. The significant service provided by this type program is skill training in independent living skills.

Appendix P—Employment Services

1. *Purpose.* This issue informs DVB field staff of the provisions of Pub. L. 96–466, Veterans' Rehabilitation and Education Admendments of 1980, that expand VA employment assistance responsibilities, identifies targeted groups of eligible veterans and establishes procedures to assist veterans in reaching employment objectives under Title 38, U.S. Code, Chapter 31.

2. *Overview of Provisions.* a. *Services Provided Are Expanded.* The new law expands the chapter 31 program to specifically permit the VA to provide placement and postplacement services. Such services are not completed until followup for a reasonable period of time reveals that all necessary services were provided, that the employment is suitable, that the veteran and the employer are satisfied, and that the veteran is expected to have some permanency on the job. The law authorizes a range of direct and indirect services and assistance to accomplish the employment objective specified in the veteran's IEAP (Individualized Employment Assistance Plan) (see paragraph 8 below and DVB Circular 28–80–3, Appendix I, "Individualized Written rehabilitation Plan"). Specific assistance authorized may include such placement and postplacement services as license fees, supplies, travel, and incidental expenses. General assistance may include most of the other services provided under Chapter 31.

b. *VR&C Staff Responsibilities.* The VR&C (Vocational Rehabilitation and Counseling) staff is responsible for assisting the veteran until satisfactory adjustment in employment is achieved. With this increased responsibility the need for effective caseload management becomes more critical. The techniques and procedures discussed in this issue provide guidelines for the CP (Counseling Psychologist) or VRS (Vocational Rehabilitation Specialist) while highlighting the importance of maximum utilization of community resources. Assisting the veteran to assume responsibility for and develop confidence and skill in job-search techniques is one of the most effective services that the VR&C staff will provide.

3. *Eligibility.* The general conditions for basic eligibility for services under Chapter 31 are discussed in DVB Circular 28–80–3, Appendix D, "Chapter 31 Eligibility and Entitlement. Employment assistance may be provided to those veterans who fall into two basic groups:

a. All eligible veterans found to have an employment handicap who are curently participants in the Chapter 31 vocational rehabilitation program and are determined by the VA to be job ready; and

b Other veterans who have a service-connected disability and who meet the following conditions:

(1) The veteran has filed a VA Form 28–1900, Disabled Veterans Application for Vocational Rehabilitation, to request vocational rehabilitation for employment assistance;

(2) The VA determines that the veteran is employable; and

(3) The veteran also meets either of the two following conditions:

(a) The veteran previously completed a vocational rehabilitation program under Chapter 31 or a prior VA program, or participated in such a program for at least 90 consecutive days on or after march 24, 1943; or

(b) The veteran completed a vocational rehabilitation program under the Rehabilitation Act of 1973 after September 16, 1975, or participated in such a program which included at least 90 consecutive days of postsecondary educational or vocational training.

4. *Scope of Employment Services.* A veteran who meets the eligibility criteria described in paragraph 3 shall be provided a period of employment services in accordance with an IEAP. The IEAP may include the full range of counseling, medical, social, and other services available under Chapter 31 except the following:

a. Subsistence allowance;

b. training, other than brief courses (e.g., review course);

c. Revolving Fund Loan;

d. Work-study allowance; and

e. Pilot program of independent living services.

Note.—Veterans receiving placement and postplacement services following successful completion of a vocational rehabilitation program under Chapter 31 will be paid an employment adjustment allowance at the full-time rate for the type of training pursued. For a detailed discussion of the employment adjustment allowance, see DVB Circular 28–80–3, appendix C,"Changes to the Chapter 31 Payment Procedures for Employment Adjustment Allowance (Formerly Post-Rehabilitation Pay)."

5. *Procedures and Services.* The procedures indicated below will be followed in providing the described services and assistance during placement, postplacement and employment related areas of the vocational rehabilitation program.

a. *Individualized Employment Assistance Plan.* The IEAP outlines the specific employment services to be provided, the job search techniques to be undertaken, and a systematic plan for followup by the VA. VA Forms 28–8872, Rehabilitation Plan, and 28–8872a, Rehabilitation Plan Continuation Sheet, will be used to document the plan. For veterans who are receiving Chapter 31 educational or vocational training, the IEAP shall be completed at least 60 days prior to the end of training. When a veteran who has had prior vocational rehabilitation training is found to be eligible only for employment services under Chapter 31, the IEAP will be developed after the initial evaluation (for a sample IEAP, see exhibit 1). In all cases the CP, the VRS and the veteran will indicate their mutual agreement and understanding of the plan by signing it.

b. *Duration of Employment Services.* Employment services may be provided to an eligible veteran for a period not to exceed 18 months. The actual duration of employment services will be tailored to fit the individual needs of the Veteran. When specifically determined to be necessary for the rehabilitation of a seriously disabled veteran, the 18-month limitation may be extended for a maximum of 6 months, provided there

exists a reasonable likelihood that additional services will result in the veteran's suitable placement and adjustment in employment. Provision of employment services beyond 18 months requires the approval of the VR&C Officer.

(1) *Entitlement.* Employment services are not charged against basic entitlement. Employment services will be provided to eligible veterans without regard to the 12-year limit on basic eligibility. Consequently, an eligible veteran who has used 48 months of Chapter 31 entitlement or whose basic eligibility period has expired may still receive a period of employment services under the conditions described in paragraph 3.

(2) *Periodic Reviews.* Each CP or VRS will meet quarterly with the VR&C Officer to review the progress of all veterans who are receiving employment services. During such reviews, the VR&C Officer should identify and correct deficiencies. For example, a review with the VR&C Officer might result in some suggestions for an amendment to the IEAP.

c. *Transportation.* (1) *General.* Procedures governing payment of travel and incidental expenses for the purposes of vocational rehabilitation are described in MP–1, part II, Chapter 3.

(2) *Travel.* Intra- and interregional travel (but not moving expenses) to place of employment may be provided under Title 38, U.S. Code, section 1517, if a veteran, who is unable to obtain local employment in the field for which he or she has been trained, has obtained suitable employment in another county or state. Prior to the approval of intra- or interregional travel, the CP or VRS must verify that the veteran has made a sincere effort to obtain local employment by following through with the job search activities outlined in the IEAP and that employment has been obtained in the receiving location. Provision of intra- or interregional travel is limited to transportation costs of the veteran but not dependents or possessions.

(3) *Special Travel Allowance.* To assure that the extraordinary transportation costs incurred by a veteran with a serious employment handicap in seeking employment do not interfere with his or her efforts to seek and embark upon employment, a special transportation allowance covering actual necessary expenses may be paid under Title 38, U.S. Code, section 1504(a). Extraordinary expenses are expenses in addition to those incurred by persons not so disabled. The need for a special transportation allowance shall be determined by the VR&C staff. The VA may pay for valid expenses such as mileage, driver and parking fees. The maximum reimbursement for any one month will be actual cost, but may not exceed one-half of the subsistence allowance for a single veteran at the full-time institutional rate.

d. *Incidental Training/Review Course.* Refresher training or short-term review may be provided if a veteran has acquired the basic skills for his or her employment objective but needs to prepare for a required license examination or needs to enhance basic skills to obtain and maintain employment. When possible, incidental training should be furnished before veterans in chapter 31 training programs are rehabilitated to employability (38 U.S.C., section 1501(5)).

(e) *Licensing Fees.* The VA may authorize payment of a licensing fee when a government unit or an employer requires a license, permit or a certificate to fulfill the occupational or professional qualifications of the veteran's employment goal. The veteran must meet all necessary prerequisites, such as successful completion of training and passing the required exam, prior to VA authorization of payment for the license.

f. *Supplies.* A veteran being furnished employment assistance may receive supplies (including tools and equipment) which the employer requires similarly circumstanced nonveterans to own upon beginning employment. Other supplies may be provided if the veteran, due to a medical condition, requires certain aids to enable him or her to perform various job tasks. To the extent possible, tools and equipment should be used both for training and employment. Prior to training, the CP or VRS should consult with local trade unions and prospective employers to determine what kinds of tools and equipment are generally required for employment entry. Supplies needed to begin employment may be furnished in the same manner as for on-job training, or arrangements may be made with the employer to furnish supplies. The CP or VRS may authorize supplies as soon as it is determined that the employer has hired the veteran. Careful followthrough by the CP or VRS is essential to insure that the veteran has all supplies needed to begin employment. Policy and procedures for authorization of supplies during a period of employment services may be found in DVB Circular 28–80–3, Appendix J, "Authorization of Supplies Under Chapter 31."

g. *Approval of Program Charges During the Period of Employment Services.* (1) *Program Charges Not More Than $1,500.* The CP or VRS may authorize program service charges when the total costs does not exceed $1,500 for expenditures during the entire period of employment services. Program charges include all chapter 31 expenditures for supplies, travel, and any other services provided during this period.

(2) *Program Charges More Than $1,500.* When it can be reasonably anticipated that program charges will exceed $1,500 and the IEAP constitutes the whole of the veteran's program, the approval of the VR&C Officer and the concurrence of the station Director is required prior to completion of the IEAP. A memorandum outlining the reason for anticipated program charges over $1,500 will be prepared for the station Director by the VR&C staff.

(3) *Finance Record of Expenditures.* The Finance activity will maintain a cumulative record of expenditures for employment services. When the total cost of such expenditures approaches $1,500, the Finance activity will notify the VR&C Officer. Approval by the VR&C Officer and concurrence of the station Director will be required prior to payment for any charges over $1,500.

h. *Self-Employment.* (1) *Special services for Severely Disabled Veterans Trained for Self-Employment Under Chapter 31 or Under a State Rehabilitation Program.* Unlike other veterans with a serious employment handicap, the more severely disabled veteran may require homebound training or self-employment or both in order to undertake gainful employment. Such severely disabled veterans who have been trained for self-employment under Chapter 31 or under the State rehabilitation program (if the VA determines that startup assistance is necessary but unavailable through the State or other sources), may receive essential equipment and initial stocks and supplies. Essential equipment, unlike the equipment mentioned in subparagraph f above, includes the machinery, occupational fixtures, appliances, and other accessories that are generally necessary to start a small business. Initial stocks and supplies are the inital inventory of salable merchandise or goods, and the expendable items required for the day-to-day operation of a self-employment business as well as those items which are consumed on the premises. VR&C staff will utilize the expertise of persons who are knowledgeable about the particular business to help determine the amount of equipment and initial stocks and supplies needed to start the business, generate enough income to replenish the initial supply, and cover operating expenses without further VA

assistance. During the initial establishment period, the VR&C staff will provide technical assistance to enhance the veteran's ability to carry out the ongoing responsibility for management and operations.

(2) *Thorough Prior Analysis Require.* In view of the low success rate for entrepreneurs, the objective of self-employment in a small business enterprise requires a thorough analysis before the ultimate choice is made. VR&C staff will utilize available community resources, such as the local SBA (Small Business Administration) office, economic development corporations, business associations, and college level business programs to obtain preliminary data about the local consumer market. Depending on the individual circumstances and the market potential of a given commodity, self-employment may well be the best vocational objective for some veterans. When the IWRP or IEAP for a severely disabled veteran requires VA funding for startup, the case must be forwarded to the Field Director for concurrence prior to final agreement with the veteran. Prior concurrence is not required when the VA's role is limited to technical assistance and will not involve expenditures for startup.

(3) *Cooperation With Small Business Administration.* Upon completion of a vocational rehabilitation program for self-employment in a small business enterprise under Chapter 31, the VR&C staff will cooperate with the SBA to assist the veteran in securing a loan to purchase necessary equipment and to insure that the veteran receives special consideration as provided in section 8 of the Small Business Act (15 U.S.C. 633(b)).

i. *Employer Incentive Payments.* As an incentive to create employment or on-job training opportunities for disabled veterans, the VA may make payments to employers of veterans who have completed a training program under Chapter 31 and have become employable. Such employers may be reimbursed only for direct expenses incurred in training or initial employment of the veteran. Employer incentive payments are permissible only in those situations where the necessary training or employment would not otherwise be available. Such payments are precluded where the prospective employer is otherwise required by law to make a special effort—including making reasonable accommodations—to provide for the employment of the veteran concerned. Until detailed instructions on employer incentive payments are provided, no such payments shall be made.

6. *Direct Placement Service by VA.* Direct placement service by VR&C staff will be included in the IEAP when such service appears necessary to effect suitable employment. VR&C staff should initially focus direct placement efforts on those cases in which significant difficulty in securing employment may be anticipated and when followup indicates that additional help is needed. When direct placement service is not initially prescribed as part of the IEAP, such help should be incorporated into the plan if:

a. The veteran diligently follows the job search procedures outlined in the IEAP for 90 days, but fails to find employment;

b. The veteran encounters resistance from a prospective employer although he or she is well qualified for the job in question; or

c. Depressed labor market conditions create an unusual shortage of available jobs in the field for which the veteran is qualified.

7. *Interagency Coordination.* a. *Cooperation Essential.* Job development and placement are difficult, time-consuming endeavors that require maximum cooperation and coordination, especially at the community level where federally funded local programs are expected to work together on behalf of disabled veterans. The VR&C staff is responsible for determining which placement resources are appropriate in the individual case. Prior to any collaboration with personnel outside of the VA, the veteran should be informed of the services to be provided by such agency or program and the kinds of relevant information that will be shared for official purposes. Any exchange of information will be in accordance with applicable State and Federal laws (e.g., Freedom of Information Act and the Privacy Act), agency regulations and policy and, where appropriate, will be accompanied by written consent of the veteran.

b. *Interagency Referrals.* Interagency referral mechanisms should be strengthened to assure that necessary placement services are provided without fragmentation or delay. VA job placement efforts should be coordinated with other agencies who also have a legislative mandate to provide special consideration to disabled veterans. To assure that disabled veterans and employers are informed of the special consideration made available to disabled veterans in the public and private sectors, VR&C staff should be thoroughly familiar with DVB Circulars 20–77–43, "Expanded Opportunities for Training and Employment of Disabled Veterans in Federal Agencies"; 22–79–12, "Special Provisions for Employment of Veterans"; and 22–80–24, "Restructuring Outreach, On-The-Job Training and Employment Assistance Under the Vocational Rehabilitation Program".

c. *State Employment Service.* Reciprocal procedures for referral and assistance should be based upon the December 1979 Memorandum of Understanding between the VA and DOL (Department of Labor). The memorandum prescribed general policies and objectives, but left wide latitude to local agencies regarding procedure to be followed in achieving these goals and carrying out policy. Pub. L. 96–466 substantially restructures the role and responsibility of DVOP (Disabled Veteran Outreach Program). This restructuring changes DVOP from a temporary to a continuing basis. Assistance to disabled veterans who are in or have completed a vocational rehabilitation program under Chapter 31 is the first priority of the DVOP staff. The law also provides for deployment of a portion of the DVOP s' T at VA locations including reg. al offices. Pub. L. 96–466 makes other changes in Title 38, U.S. Code, Chapters 41 and 42, which govern provision of employment services to veterans. The administration of these provisions is monitored by DOL administrative controls. The new provisions of law established an opportunity for an improved level of assistance to service-disabled veterans by VA and State employment service staffs.

d. *Office of Personnel Management.* Although the Federal Government has traditionally been one of the leading employers of disabled veterans, this resource continues to be underutilized. If nonpay on-job training is contemplated, VR&C staff, the host agency that is to provide the training, and the area office of OPM (Office of Personel Management) should begin to work together during the early stages of employment planning. Guidelines for coordination with OPM are described in DVB Circular 20–77–43 and Appendix A to that issue.

e. *State Rehabilitation Agencies.* The VA, State rehabilitation agencies, and State employment services should coordinate contacts with employers to carry out placement responsibilities and help employers develop and maintain effective affirmative action programs. The VA and State rehabilitation agencies should exchange information and coordinate efforts to promote the

prompt utilization of the results of job engineering and other research studies in solving the employment problems of handicapped individuals. Such coordination will be carried out in accordance with existing agreements between the VA and State rehabilitation agencies.

f. *Small Business Administration.* The SBA provides training sessions in management and marketing techniques, publishes extensive materials on business practices, and maintains a staff of local business people to provide consultation to would-be entrepreneurs. Contact with SBA should be initiated during the development of an IWRP (or IEAP) for self-employment in a small business enterprise. SBA can also assist VR&C staff and the veteran to make judgments concerning business trends, funding, marketing, and can provide assistance in obtaining bank loans by guaranteeing payment by the Federal Government should default occur.

g. *VA Advocacy.* The VA is charged in Title 38, U.S. Code, section 220, with the responsibility for promoting the effective implementation, enforcement, and application of provisions of law and regulations aimed at enhancing employment, training and other opportunities for disabled veterans. In carrying out this responsibility, VR&C staff will actively promote and coordinate the hiring of disabled veterans in the public and private sectors by:

(1) Obtaining information about the types of work opportunities in the community which are suitable for disabled veterans;

(2) Convincing prospective employers that disabled veterans are excellent workers and that hiring disabled veterans is consistent with good business practice;

(3) Working closely with industrial engineers, personnel workers, and job analysts of business and industrial firms to match the job requirements with the appropriate veterans;

(4) Providing technical assistance for the modification of jobs, facilities, or equipment when such assistance is necessary for a Chapter 31 participant to obtain employment;

(5) Creating a more favorable climate for disabled veteran job-seekers by using vigorous affirmative action programs to educate employers and the general public; and

(6) Providing postplacement assistance to veterans to help them in the orientation process, advising them when unanticipated problems develop, and providing other services to assure a suitable adjustment in employment.

8. *Employment Planning.* a. *When Employment Planning Begins.* Employment planning should be an integral part of the entire rehabilitation plan as it is incumbent upon the CP and VRS to evaluate the veteran's employability and arrange for services to make the veteran's skills more marketable. Suitable placement and adjustment on the job is the ultimate purpose of each service provided during vocational rehabilitation. Consequently, employment planning should begin as soon as eligibility for rehabilitation services is established and should be incorporated into the IWRP.

b. *Close Monitoring During Training.* As the veteran proceeds through the program, the VR&C staff should be alert to factors that point to enhanced placement potential and those of poor placement potential. For example, if a veteran demonstrates good work habits and social skills while in training, there is a reasonable expectation that the same behavior will be transferred to the work setting. On the other hand, if the veteran maintains a poor attendance record and has difficulty adjusting to supervisors and/or co-trainees, the CP or VRS should consider modification of the IWRP to focus on personal or work adjustment issues. Veterans who have been separated from the work force for an extended period, without adequate preparation, may be threatened by the notion of reentering the job market. Participation in co-op programs, work-study, unpaid work experience, volunteer work and summer employment provides excellent opportunities to build confidence. Another beneficial avenue of exposure to the world of work is the establishment of social contacts with successfully employed persons. If a network of social contacts is established well in advance of the actual job search, the veteran will have developed and cultivated a list of potential job leads in an informal, nonthreatening manner.

c. *Elements of Employment Service.* Comprehensive employment service should include six basic elements as follows:

(1) Careful consideration of the *kinds of available jobs* and working conditions most suitable for the veteran.

(2) Providing or arranging for *supportive services,* such as personal adjustment counseling, that are critical to the placement process.

(3) Effectively providing *information* on search techniques, presenting a positive image to employers, local job market, and employer requirements.

(4) Assisting the veteran to develop *personal organization* and routine in daily job search activity.

(5) Developing a concrete *action plan* with time limits for accomplishing specified goals.

(6) Scheduling *followup* with the veteran to assist, support, and encourage search activities.

d. *Job Analysis.* VR&C staff will need to improve proficiency in the area of job analysis which is an essential aspect of direct placement. This skill is particularly useful when dealing with small businesses which may not have a sophisticated personnel staff. Job analysis is an onsite evaluation that provides detailed information about a prospective job such as specific duties, responsibilities, qualifications (physical demands and cognitive requirements), relation to other jobs, equipment and materials used, work station and other key locations in the work environment (i.e., restroom, cafeteria and parking areas). Having ascertained the job specifications, the CP or VRS reevaluates the veteran in light of those specifications. Since job titles may be deceptive, precise information about job task requirements and the work environment is critical.

e. *Job Modifications.* While conducting a job analysis, the VR&C staff should consider whether a job task or job site could be modified to match the veteran-applicant's capabilities and limitations. Such considerations are critical because the rearrangement of job task, the redesign of equipment, and/or other changes in a work environment could enable a veteran to meet the job specifications in spite of any functional limitations. VR&C staff should be familiar with the provisions of title V of the Rehabilitation Act of 1973 and Title 38, U.S. Code, section 2012. These provisions require covered employers (Government agencies and certain Federal contractors) to make reasonable accomodations to the physical or mental limitations of a qualified handicapped employee or applicant unless the accommodation would impose an undue hardship. Essential information on reasonable accommodation is summarized in the OPM "Handbok of Reasonable Accommodation" (PMS 720–A) which was previously distributed to field stations.

f. *Job-Seeking Skills.* If the veteran develops independence and self-assurance in using job-seeking skills, the necessity for direct intervention may be decreased. Job-seeking skills refer to the knowledge and techniques that disabled veterans need regarding the process of obtaining suitable employment. This includes learning where to find job openings, whom to contact, how to act,

and how to handle interview questions about sensitive areas such as disability and gaps in work history. Job-seeking skills training is available from a variety of sources such as rehabilitation facility workshops and college courses. VR&C staff should develop expertise in this area in order to assist veterans on an individual and group basis. Coordination and cooperation with available VA career development centers, VA medical centers and various community-base programs are strongly encouraged. To the extent possible, job-seeking skills training and other employment-related coursework may be provided during the veteran's vocational rehabilitation program.

g. *Community Resources.* In the area of job development and job placement, VR&C staff have to rely heavily on community resources. Placement services may not be purchased by the VA from private-for-profit employment agencies (although the veteran is not barred from using such resources at his or her own expense). Like the veteran, the VR&C staff need to develop and cultivate a "referral network' that might include DVOP, State employment service, college or school placement office, veterans organizations, State vocational rehabilitation, and any private nonprofit agency that provides placement services.

h. *Employment Assistance Record.* DVB Circular 22–80–24 requires the establishment of an employment assistance record, distinct from and not duplicated in the regular training record. This requirement is continued. A distinct record means that all entries regarding employment services will be filed together in the training subfolder. VA Form 22–1905d, Special Report of Training, will be used for this purpose. The employment assistance record will be established upon completion of the IEAP and will be maintained throughout the postplacement period.

9. *Followup and Postemployment Services.*a. *Routine Followup After Employment.* Some veterans require only routine followup after employment. These may include veterans who obtain suitable employment prior to the end of training. The veteran should be informed that supportive services may be continued after employment if such services are necessary to maintain the employment. At a minimum there will be two routine followup contacts: one after the first month and one after the third month of employment. Following each contact, the record should be documented on VA Form 22–1905d to support the continuation, termination, or inintiation of supportive services. If there is evidence of satisfactory adjustment without supportive service at the end of 3 months, the closure statement (item 11) of the IEAP will be documented. If the situation has changed when the 3-month followup contact is made, the CP or VRS should consider the need for increased services.

b. *Postemployment Services.* Veterans who require extensive support services after obtaining employment to insure successful rehabilitation will be provided such services. Postemployment services include all services which may be furnished during the period of employment services. No later than 3 months after the start of employment, the CP or VRS should meet with the veteran to determine whether postemployment services should be terminated. The CP or VRS will carefully document the record as to the suitability and stability of the veteran's employment. Some veterans will require services beyond this 3-month period. The need for these continued services should be documented. After the CP or VRS determines that no additional postemployment services are needed, he or she will complete the closure statement (item 11) of the IEAP to document suitable employment and will also complete VA Form 22–1905 to terminate the period of employment services.

10. *Voucher Payment Authorization.* The Finance activity in the regional office requires a completed VA Form 22–1907a, Authorization of Subsistence Allowance, to justify the voucher payment of allowable expenses for services provided during the period of employment services.

11a. *VR&C Request for Record Purpose Award.* For each veteran being provided employment services, the VR&C staff will complete VA Form 22–1905, Authorization and Certification of Entrance or Reentrance into Training and Certification of Trainee Status, indicating the employment objective, the specific period of employment assistance and the authority for provision of employment services. This request for a record purpose award for voucher payment may be combined with a request for payment of the 2-month employment adjustment allowance. The request, however, must clearly distinguish in item 25 of VA Form 22–1905, the period of employment adjustment allowance from the period when only voucher payments may be made.

Note.—Voucher payments for services may also be made during the 2-month period the veteran is receiving the adjustment allowance. For an example of a completed VA Form 22–1905, see exhibit 2.

b. *Adjudication Division Action.* Upon receipt of the request, the Adjudication Division will prepare a record purpose VA Form 22–1907a to cover the period of employment assistance exclusive of the 2 months when the employment adjustment allowance is being authorized. (For a sample award, see exhibit 3.) The record purpose award may *not* be combined with award of an adjustment allowance on the same document. Two separate VA Forms 22–1907a should be completed if an adjudicator has received a request both for payment of the adjustment allowance and for preparation of a record purpose award for a further period of employment services. Following current procedures, the adjudicator will destroy copies 2 and 5 of the record purpose award.

Exception: Regional offices may at local discretion authorize preparation of both an adjustment allowance followed by a record purpose period on the same VA Form 22–1907a provided the record purpose period does not appear on either copy 2, which is sent to the Hines DPC, or on copy 5, the suspense copy. Copies 1, 3 and 4 must clearly show in "Remarks" that the later no-rate portion of the award is for voucher payment purposes only.

11. *Work Measurement.* a. *VR&C Actions.* A complete discussion on the application of end product code 758, IEAP Agreement, and end product code 759, Placement/Follow-Up, may be found in DVB Circular 28–80–3, Appendix L, Revised.

b. *Adjudication Action.* End product code 210 will be assigned for each record purpose award prepared for a period of employment assistance.

Dorothy L. Starbuck,

Chief Benefits Director.

BILLING CODE 8320-01-M

Exhibit 1

Veterans Administration

REHABILITATION PLAN

1. DATE: April 7, 1981

2. FIRST - MIDDLE - LAST NAME OF VETERAN: MILO DAVID ANDERSON

3. CLAIM NUMBER: C- 34 671 903

4. SOCIAL SECURITY NUMBER: 171-73-1171

5. PROGRAM PLAN (Check one)

- ☐ IEEP - INDIVIDUALIZED EXTENDED EVALUATION
- ☐ IWRP - INDIVIDUALIZED WRITTEN REHABILITATION
- ☒ IEAP - INDIVIDUALIZED EMPLOYMENT ASSISTANCE

6A. TYPE OF PLAN: ☒ ORIGINAL ☐ AMENDMENT (If "Amendment," complete Items 6B and 6C)

6B. AMENDMENT NO. TO IWRP:

6C. DATE OF IWRP:

7. PROGRAM GOAL

Acquire and sustain employment as a technical illustrator. DOT: 017.281-034

NOTE: INTERMEDIATE OBJECTIVES TO ACHIEVE PLANNED GOAL COVERED IN ITEMS 8 THRU 12.

8A. OBJECTIVE ONE (Description) Acquire ability to identify potential employers, prepare an effective resume, complete an employment application and interview for a job.

8B. ANTICIPATED COMPLETION DATE: May 15, 1981

8C. SERVICES PROVIDED: Job Readiness Workshop

8D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
2 weeks	

8E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES
Career Development Center
VR&C Section - VARO
Pittsburgh, Pennsylvania 15222

8F. PERSON TO CONTACT (If institution): Brenda Ezo

8G. TELEPHONE NO. (Include Area Code): 412-555-7747

8H. EVALUATION CRITERIA

Participation in all sessions of workshop and completion of required assignments. Preparation of application for employment and resume.

8I. EVALUATION PROCEDURE

Review Milo's attendance and participation with workshop leader. Review application and resume to be submitted by Milo.

8J. EVALUATION SCHEDULE

Finish reviews within 1 week of completion of workshop.

8K. PROGRESS NOTES

9A. OBJECTIVE TWO (Description)
Develop portfolio of illustrations and method of presenting it to potential employers.

9B. ANTICIPATED COMPLETION DATE: April 30, 1981

9C. SERVICES PROVIDED
Formatting, preserving, enhancing and binding illustration into a portfolio and developing a presentation approach.

9D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
1 week	

9E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES
New Visions, Inc.
701 Dimensions Avenue
Pittsburgh, Pennsylvania 15212

9F. PERSON TO CONTACT (If institution): Sam Ross

9G. TELEPHONE NO. (Include Area Code): 412-555-3441

9H. EVALUATION CRITERIA

N/A

VA FORM MAR 1981 **28-8872**

Continued on Reverse

ITEM 9 CONTINUED

9I. EVALUATION PROCEDURE

N/A

9J. EVALUATION SCHEDULE

N/A

9K. PROGRESS NOTES

10A. OBJECTIVE THREE (Description) Explore potential employment resources such as State employment service, Federal Job Information Center, Association of Professional Illustration, Greater Pittsburgh Employment Service, and others.

10B. ANTICIPATED COMPLETION DATE: ASAP

10C. SERVICES PROVIDED: N/A

10D. DURATION OF SERVICES

FROM (Mo., Yr.)	TO (Mo., Yr.)
N/A	N/A

10E. NAME & ADDRESS OF PERSON OR INSTITUTION PROVIDING SERVICES: N/A

10F. PERSON TO CONTACT (If institution): N/A

10G. TELEPHONE NO. (Include Area Code): N/A

10H. EVALUATION CRITERIA

Personal contact with representatives of all employment resources listed and with at least three others identified by Milo.

10I. EVALUATION PROCEDURE

Milo will report his progress to case manager.

10J. EVALUATION SCHEDULE

Progress reports to be received biweekly.

10K. PROGRESS NOTES

11. CLOSURE STATEMENT

I CERTIFY THAT I have participated in the development of this program plan. I understand it is my responsibility to cooperate in the program and make reasonable efforts on my behalf. There will be periodic and/or an annual review of the plan, at which time I will have a chance to jointly redevelop it. (Check box ☐ if VA Form 28-8872a, Rehabilitation Plan - Continuation Sheet is used.)

12. SIGNATURE OF COUNSELING PSYCHOLOGIST: Spencer W. Flowers

13. SIGNATURE OF VETERAN: Milo D. Anderson

14. SIGNATURE OF VOCATIONAL REHABILITATION SPECIALIST: Christina Borda

15. ANNUAL REVIEW DATE

END PRODUCT

NO.	DATE	INITIALS

Exhibit 2

Form Approved
OMB No. 76-R0050

VETERANS ADMINISTRATION
AUTHORIZATION AND CERTIFICATION OF ENTRANCE OR REENTRANCE INTO TRAINING AND CERTIFICATION OF TRAINEE STATUS
Chapter 31, Title 38, USC

1. FILE NUMBER: 34 671 903

IMPORTANT: No further benefits may be paid under this program unless this form is completed and filed as required by existing law (38 U.S.C. 1780).

SECTION A – NOTICE TO VETERAN

2. NAME AND MAILING ADDRESS OF VETERAN

MILO DAVID ANDERSON
2280 SMITHFIELD LANE
MIDDLETOWN, CONN. 88888

INSTRUCTIONS TO VETERAN

a. You are authorized to report on or about the date shown in item 8 to the school or training on-the-job establishment shown in Item 9 for the purpose of beginning or resuming the course of training authorized in Item 3 below.

b. Present your copy of this form to the school or training on-the-job establishment shown in Item 9. It will serve as your introduction.

c. If travel is involved, covering instructions are attached or will be provided.

SECTION B – AUTHORIZATION TO SCHOOL, TRAINING ON-THE-JOB ESTABLISHMENT OR OTHER FACILITY

You are hereby authorized to enter or reenter the veteran named in Item 2, into vocational rehabilitation in the following course.

3. COURSE: Employment Service (incl. employ. ADJ. allow)

4. ESTABLISHED LENGTH OF COURSE (If reentrance, months remaining): 18

5. ADVANCE PAYMENT AUTHORIZED? ☐ YES ☐ NO

6. EMPLOYMENT OBJECTIVE: Technical Illustrator

7. D.O.T. CODE: 017.281-034

8. EFFECTIVE DATE OF THIS AUTHORIZATION: April 10, 1981

9. NAME AND MAILING ADDRESS OF SCHOOL OR TRAINING ON-THE-JOB ESTABLISHMENT

CAREER DEVELOPMENT CENTER
VR&C DIVISION - VARO
PITTSBURGH, PA 15222

(other sources of employment assistance will be utilized as appropriate)

INSTRUCTIONS TO SCHOOL OR OTHER TRAINING FACILITY

Please complete Section C and return the original of this form to the address shown in Item 17. The veteran named in Item 2 has been given a copy of this form and should present it to you when he reports for training.

Vouchers for the veteran's tuition, books, and supplies are paid directly to the institution by VA in arrears in accordance with governing regulations and document indicated in item 11. Please forward vouchers for these charges to the office listed in item 17.

10A. SIGNATURE OF VOCATIONAL REHABILITATION SPECIALIST: Christy Pescagno

10B. DATE SIGNED: April 10, 1981

SECTION C – CERTIFICATION TO VETERANS ADMINISTRATION THAT THE VETERAN HAS ENTERED OR REENTERED AND IS PURSUING TRAINING *(To be completed by trainer)*

11. I CERTIFY THAT – The veteran named in Item 2 began or resumed the course of training shown in Item 3 on the date shown in Item 12 (this date must not be earlier than that shown in Item 8) and he is now pursuing or enrolled in that course. Charges for this training are in accordance with our current (Check appropriate box)

☐ VA CONTRACT OR AGREEMENT ☐ SCHOOL CATALOG ☐ BROCHURE WITH PUBLISHED SUPPLEMENT

12. DATE VETERAN BEGAN OR RESUMED TRAINING

13. ENDING DATE OF PROGRAM, SCHOOL YEAR OR OTHER ENROLLMENT PERIOD *(Longest possible enrollment period should be specified)*

14. NO. OF CREDIT HOURS REGISTERED FOR THIS TERM — Semester Hrs. / Quarter Hrs.

15. CLOCK HOURS PER WEEK

16. ADVANCE PAY DELIVERED? ☐ YES ☐ NO

17. ADDRESS OF VETERANS ADMINISTRATION

17A. SIGNATURE OF TRAINER

17B. TITLE OF TRAINER

17C. NAME OF SCHOOL

17D. DATE SIGNED

VA FORM NOV 1979 **22-1905**

SECTION D - CERTIFICATION OF TRAINEE'S STATUS (VA USE ONLY)

18. TYPE OF TRAINING

- ☐ SCHOOL ONLY
- ☐ ON-THE-JOB AND SCHOOL (Majority on-the-job)
- ☐ INSTITUTIONAL ON-FARM (Employer-trainer)
- ☐ TRAINING IN THE HOME
- ☐ CORRESPONDENCE ONLY
- ☐ SCHOOL AND CORRESPONDENCE
- ☐ INDEPENDENT INSTRUCTOR
- ☐ SPECIAL SERVICE (Tutorial, reader, or other)
- ☐ SCHOOL AND ON-THE-JOB (Majority school)
- ☐ ON-THE-JOB AND CORRESPONDENCE
- ☐ SHELTERED WORKSHOP
- ☒ OTHER (Specify) EMPLOYMENT SERVICES AND ADJUSTMENT ALLOWANCE
- ☐ ON-THE-JOB ONLY
- ☐ INSTITUTIONAL ON-FARM (Self-proprietorship)
- ☐ SPECIAL RESTORATIVE

19. EXPECTED DATE OF REHABILITATION: October 9, 1982

20. TRAINING TIME (Complete only for school type of training) ☐ FULL TIME ☐ 3/4 ☐ 1/2

21. SRP CASE ☐ SRP ☐ NOT SRP

22. CHANGE OF STATUS EFFECTED FOR WHICH THIS CERTIFICATION ISSUED (Check appropriate block or blocks)

- ☐ TRAINING DECLINED
- ☐ TRAINING INTERRUPTED
- ☐ REHABILITATED
- ☐ CHANGE IN PLACE OF TRAINING
- ☐ INDUCTED INTO TRAINING
- ☐ DISCONTINUED
- ☒ FOR RECORD PURPOSES
- ☒ OTHER (Specify) EMPLOYMENT SERVICE
- ☐ REENTERED TRAINING
- ☐ MEDICAL REASONS
- ☐ CHANGE OF EMPLOYMENT OBJECTIVE

23. EFFECTIVE DATE(S) OF CHANGE OF STATUS: April 10, 1981

24. ENDING DATE OF AWARD (Last pay date): October 9, 1982

25. REASON AND AUTHORITY FOR CHANGE OF STATUS (Enter the basis for the change of status including the facts and circumstances involved and cite the specific subparagraph(s) of VA Regulations under which the change of status is being effected.)

Employment services are authorized under provisions of DVB Circular 28-80-3, Appendix P, Employment Services:

1. Prepare award of 2-month employment adjustment allowance from 4/10/81 through 6/9/81 (last pay date).

2. Prepare record purpose award for 6/10/81 through 10/9/82 for voucher payment only.

26. WAGE SCHEDULE — A. TYPE OF TRAINING ☐ APPRENTICE ☐ OTHER

B. PERIOD	C. RATE (If less than monthly) HOURLY	C. RATE (If less than monthly) WEEKLY	D. MONTHLY
E. BEGINNING WAGE OF TRAINED WORKER			

F. NO. OF HOURS IN STANDARD WORK WEEK

G. OVERTIME RATE

THIS IS TO CERTIFY that the information given above is correct and that all applicable VA instructions governing vocational rehabilitation under Chapter 31 have been complied with.

DATE

SIGNATURE AND TITLE OF RESPONSIBLE PERSON

Exhibit 3

AUTHORIZATION OF SUBSISTENCE ALLOWANCE
(UNDER CHAPTER 31, TITLE 38, U.S. CODE)

1. VA FILE NO. 34 671 903
2. PAYEE NO. 00
3. STATION NO. 11

4. TYPE OF AWARD (Check)
☐ 1 - ORIGINAL ☐ 2 - AMENDED ☐ 4 - STOP PAYMENT ☒ 3 - REOPENED ☐ 5 - ORIG. OR REOPENED AWARD TO ADDITIONAL PAYEE ☐ 6 - REHABILITATION LUMP SUM PAYMENT

5. ENTITLEMENT CODE (Check one)
☐ 02 - WWII SA & DC ☐ 03 - KOREAN SA & DC ☒ 04 - SA ONLY ☐ * SEE BELOW

6. NAME AND ADDRESS OF SCHOOL OR ESTABLISHMENT (List all now attending)
Career Development Center.
VR&C Div. VARO
Pittsburgh, PA 15222
(also other establishment)

7. DEPENDENTS
☐ NONE ☒ SPOUSE ☒ CHILDREN (Specify No.) 2 ☐ MOTHER ☐ FATHER

8. TWO INITIALS - LAST NAME OF VETERAN
M [redacted] D [redacted] ANDERSON

9. NAME OF COURSE
EMPLOYMENT SERVICES -
TECHNICAL ILLUSTRATOR
017. 281-034

ACTION CODES

TYPE
1. Commenced Training
2. Recommenced Training
3. Interrupted
4. Discontinued
5. Subsistence Allowance Changed
6. Employment Objective Changed
7. Rehabilitated
8. Other (Specify in 12)
9. Entitlement Expired

REASON
A. Beginning of Term
B. End of Term
C. Trainee Wages
D. Journeyman Wage Rate
E. Dependency Change
F. Training Not Medically Feasible
G. Unsat. Progress
H. Other (Specify in Item 12)
I. Entitlement Expired

10. AUTHORIZATION OF SUBSISTENCE ALLOWANCE

LINE NO.	ACTION CODE START (A)	MONTHLY RATE OF SUBSISTENCE (B)	EFFECTIVE STARTING DATE (C)	PERCENT OF DISABILITY (D)	TRAINING TIME - HOURS (E)	MONTHLY TRAINEE WAGE RATE (F)	MO. BEG. WAGE RATE OF TRND. WORKER (G)
1	8H	NONE	6/10/81	30			
2	3H	NONE	10/10/82				
3							
4							

11. POWER OF ATTORNEY
☐ AL ☐ ARC ☐ DAV ☒ VFW ☐ OTHER (Specify)

12. REMARKS
RECORD PURPOSE AWARD FOR VOUCHER PAYMENT ONLY.
COPIES 2 AND 5 OF THIS AWARD DESTROYED.
(PREVIOUS REGULAR AWARD PAID EMPLOYMENT ADJUSTMENT
ALLOWANCE FOR PERIOD 4/10/81 THROUGH 6/9/81).

☐ PL 87 - 815 ☐ PL 89 - 138

13. NAME AND ADDRESS OF PAYEE
MILODANDERSON
2280SMITHFIELDLN
MIDDLETOWN CT 2
88888 1

14. PRIOR PAYMENT INFORMATION (Required if this authorization adjusts a payment made prior to the end of the current month.)

MONTHLY RATE OF SUBSISTENCE (A)	EFFECTIVE STARTING DATE (B)

THE PAYEE IS ENTITLED to the above allowance under the provisions of Chapter 31, Title 38, U.S. Code.

15. APPROVAL DATE 5/20/81
16. SIGNATURE OF AUTHORIZING OFFICIAL James Thomas

FINANCE USE ONLY

17. PERIOD FROM
18. DEDUCTIONS A. AMOUNT B. SYMBOL
19. NET AMOUNT DUE

VA FORM NOV 1978 22-1907a SUPERSEDES VA FORM 22-1907a, JAN 1971, WHICH WILL NOT BE USED

R & E FOLDER 1

* U. S. GOVERNMENT PRINTING OFFICE : 1982 361-467/3591

[FR Doc. 82-11357 Filed 4-23-82; 8:45 am]

BILLING CODE 6320-01-C

Sunshine Act Meetings

Federal Register
Vol. 47, No. 80
Monday, April 26, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Wednesday, April 28, 1982.

PLACE: 2033 K Street, NW., Washington, D.C. Fifth Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Commission Consideration of the Comex Proposed Contract Market Designation of the 500 Stock Index.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-610-82 Filed 4-22-82; 2:49 pm]

BILLING CODE 6351-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION:

TIME AND DATE: 10 a.m., Thursday, April 28, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Alternative Apparel Flammability Test Methods*
   The Commission will consider three draft **Federal Register** notices which allow the use of a 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 1615 and 1616).
2. *Mattress Standard Amendments: ANPR*
   The Commission will consider an advance notice of proposed rulemaking to initiate a proceeding for the amendment of the Standard for the Flammability of Matresses (16 CFR Part 1632).

Closed to the public:

3. *Compliance Status Report*
   The staff will brief the Commission on that status of compliance activities.
4. *FFA Enforcement Matter (OS# 2036)*
   The Commission will consider action on FFA Enforcement matter (OS# 2036).

CONTRACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Room 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492–6800.

[S-614-82 Filed 4-27-82; 3:56 pm]

BILLING CODE 6355-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, April 27, 1982.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Freedom of Information Act Appeal No. 82–FOIA–152–03–CH, concerning three documents from a closed Age file.
2. Freedom of Information Act Appeal No. 82–3–FOIA–5–HU, concerning information from an open investigative case file.
3. Freedom of Information Act Appeal No. 82–2–FOIA–7–NO, concerning copies of all documents in an open Title VII charge file.
4. Freedom of Information Act Appeal No. 82–2–FOIA–28, HQ, concerning an index published under FOIA in **Federal Register**.
5. Freedom of Information Act Appeal No. 82–2–FOIA–9–PA, concerning access to a deferral file submitted by FEP.
6. Proposed Contract for services needed in connection with a court case.
7. Resolution of Commendation to 30 EEOC Employees.
8. Report on Commission Operations by the Executive Director.

Closed:

1. Briefing by Office of Systemic Programs.
2. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded maybe carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued April 20, 1982.

[S-604-82 Filed 4-22-82; 10:47 am]

BILLING CODE 6750-06-M

4

FEDERAL COMMUNICATIONS COMMISSION

Additional Item To Be Considered at Open Meeting, Thursday, April 22nd

The Federal Communications Commission will consider an additional item on the subject listed below at the Open Meeting scheduled for 9:30 a.m., Thursday, April 22, 1982 at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Broadcast—2—Request on behalf of WETA–TV, Washington, D.C. for a waiver of Commission policy to permit it to conduct an on-air fundraiser for the Wolf Trap Foundation.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Action by the Commission April 21, 1982. Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item.

Additional information concerning this meeting may be obtained from Maureen Peratino, Office of Public Affairs, telephone number (202) 254–7674.

Issued: April 22, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-607-82 Filed 4-22-82; 2:44 pm]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From April 22nd Open Meeting

The following item has been deleted at the request of Private Radio Bureau from the list of agenda items scheduled for consideration at the April 22, 1982, Open Meeting and previously listed in the Commission's Notice of April 15, 1982.

Agenda, Item No., and Subject

Private Radio—2—*Title:* Dismissal of Petition for Rule Making, RM–3388. *Summary:* The

Commission will consider whether to adopt an Order dismissing a petition for rule making, RM-3388, that proposes operation of a radio homing device on 27.255 MHz.

Issued: April 21, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-606-82 Filed 4-22-82; 2:44 p.m.]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, April 29, 1982

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 29, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Amendment of Parts 2, 21, 87 and 90 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of Digital Communications Services. *Summary:* The Commission considers petitions for reconsideration of the First Report and Order in Docket 79-188, which request modification of technical standards for digital termination systems (DTS) and of policy, procedural, and legal matters relating to the use of DTS in the Digital Electronic Message Service.

General—2—*Title:* Amendment of Part 2 of the rules to simplify the equipment authorization procedures. *Summary:* This item proposes a simplified equipment authorization that could be applied to equipment with a low potential for causing interference. The procedure would reduce the time spent by applicants in obtaining approval of their equipment.

General—3—*Title:* Notice of Proposed Rulemaking to amend Part 2 of the Commission's Rules to provide for an allocation of 6 MHz to the government and non-government for fixed service usage. (General Docket No.——.) *Summary:* The FCC is proposing to allocate the frequency bands 932-935 MHz, paired with 938-941 MHz, for fixed services to be shared on a co-equal, co-primary basis between government and non-government users. The proposal stems from a need for spectrum by the NTIA to accommodate increasing numbers of users of low-capacity fixed systems. The proposed allocation will provide adequate spectrum to meet this need, as well as provide new spectrum for non-government users of similar fixed systems.

General—4—*Title:* Allocation of 900 MHz frequencies for one way paging services. *Summary:* The Commission will consider the *First Report and Order* which allocates 900 MHz frequencies for one-way paging services.

Private Radio—1—*Title:* Amendment of Parts 81 and 83 of the rules to make the frequency 156.55 MHz available exclusively for Vessel Traffic Service (VTS) communications in the Houston VTS radio protected area. *Summary:* The Commission will decide whether or not to adopt a Report and Order making Channel 11 (156.55 MHz) available exclusively for Vessel Traffic System (VTS) communications in the Houston VTS radio protected area.

Private Radio—2—*Title:* Notice of Proposed Rule Making to Delete the Antenna Height vs. Effective Radiated Power Table Applying to Private Land Mobile Radio Systems Operating on TV-Shared Channels 14 & 20 in the Los Angeles Urbanized Area. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making to delete the Antenna Height vs. ERP Table which applies to systems operating in TV-shared bands in the Los Angeles area. A Petition for Reconsideration filed by the National Mobile Radio Association requests relief from interference resulting from implementation of the table.

Common Carrier—1—*Title:* AT&T's amended application for the New York City to Cambridge, Mass. section of the Northeast Corridor Lightguide Project. (WPC-3071) and AT&T's Application for construction of a Lightguide System between Washington, D.C and Moseley, Va. (WPC-4173). *Summary:* The Commission will consider an amendment to AT&T's Northeast Corridor Application that provides the results of its procurement actions anticipated in the Commission's authorization of the first phase of this project (84 FCC 2d 303). A petition to deny the application has been filed by Fujitsu America, Inc. challenging AT&T's procurement process and its selection of Western Electric as the systems supplier for the project. The Commission will also consider the application for construction of a fiber system between Moseley, Va. and Washington, D.C.

Common Carrier—2—*Title:* Inquiry into the policies to be followed in the Authorization of Common Carrier Facilities to meet Pacific communications needs during the period 1981-1995 (CC Docket No. 81-343). *Summary:* This order reviews planning information and alternative facilities use plans submitted in response to the Notice of Inquiry in CC Docket No. 81-343 and institutes a rulemaking looking toward adoption of Commission policies on the use of communications facilities during the planning period.

Common Carrier—3—*Title:* DPLMRS Public Need Showing. *Summary:* Before the Commission is a *Second Report and Order* which discusses elimination of the requirement that applicants for one initial two-way frequency in the Domestic Public Land Mobile Radio Service demonstrate a public need for the service proposed.

Common Carrier—4—*Title:* American Telephone and Telegraph Co. and Bell System Operating Companies Tariff FCC No. 8, Exchange Network Facilities for Interstate Access (ENFIA), Transmittal No. 53. *Summary:* The Commission will consider AT&T's proposed amendments to the ENFIA tariff regarding Rate Level D, to be effective from May 1, 1982 to April 15, 1983. The Commission will determine whether the new BSOC 8 tariff should be allowed to go into effect, rejected, or suspended and investigated. The central issue is whether AT&T has properly implemented the terms of the ENFIA Agreement.

Renewal—1—*Title:* Competing applications of Montgomery County Broadcast Company, Inc. for renewal of license of Station WINX, Rockville, Maryland, and Community Airwaves, Inc. for a construction permit. *Summary:* The Commission considers designating the mutually exclusive applications for a consolidated proceeding.

Assignment and Transfer—1—*Title:* (1) Application for the assignment of license of VHF telvision station KATC-TV (Channel 3), Lafayette, Louisiana, from Acadian Television Corporation to Abellor Corporation (BALCT-810925KJ); (2) Request by Abellor Corporation for a waiver of the Commission's television duopoly rules (Section 73.636(a)(1)); and (3) a petition to deny the application, filed by Texoma Broadcasters, Inc.; and an informal objection to a grant of the application, filed by KADN Broadcasting, Inc. *Summary:* The Commission will consider whether a waiver of the television duopoly rule can be granted on a showing that the overlap of service contours is *de minimis* in nature, and whether the allegations raised in a petition to deny and an informal objection are sufficient to support the finding that an assignment of KATC-TV to Abellor Corporation would not serve the public interest.

Assignment and Transfer—2—*Title: (1)* Application to assign the license of station KLBS-FM, Los Banos, California from KLBS-FM, Inc. to Sunshine Valley Broadcasting Company, Inc. and (2) Petition for Reconsideration and Stay filed by Cal Central Broadcasting, Inc. *Summary:* The Commission will reconsider the petitioner's allegations concerning activities undertaken by Sunshine Valley prior to Commission action on its application and the alleged *de facto* reallocation of KLBS-FM by Sunshine Valley to a large nearby community.

Broadcast—1—*Title:* Amendment of Parts 2 and 73 of the Commission's AM broadcast rules with reference to the use of the AM carrier for utility load management purposes. *Summary:* On December 17, 1981, the Commission adopted a *Notice of Proposed Rule Making* (47 FR 1386, January 13, 1982) proposing to permit utility load management signals to be transmitted through the AM broadcast carrier as long as they do not degrade AM main channel broadcasting. This new authorization would allow expansion of energy management communication alternatives for utilities. The *Report and Order* discusses and resolves this issue.

This meeting may be continued the following work day to allow the

Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: April 22, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-606-82 Filed 4-22-82; 2:45 pm]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting, Thursday, April 29, 1982

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, April 29, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m., Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—"Suggestion of Absence of Need for Comparative Hearing" in the San Juan, Puerto Rico, UHF television proceeding (BC Docket Nos. 81–833–834).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: April 22, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-609-82 Filed 4-22-82; 2:45 p.m.]

BILLING CODE 6712-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:05 a.m. on Wednesday, April 21, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to an administrative enforcement proceeding against an insured bank and persons participating in the conduct of the affairs thereof (name and location of bank and names of persons authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 21, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-605-82 Filed 4-22-82; 11:24 am]

BILLING CODE 6714-01-M

9

FEDERAL ENERGY REGULATORY COMMISSION

April 22, 1982.

TIME AND DATE: 2 p.m., April 27, 1982.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. IN80–14, Virginia Electric & Power Company.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357–8400.

Kenneth F. Plumb,

Secretary.

[S-612-82 Filed 4-22-82; 3:50 pm]

BILLING CODE 6717-01-M

10

FEDERAL ENERGY REGULATORY COMMISSION

April 21, 1982

TIME AND DATE: 10 a.m., April 28, 1982.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—748th Meeting, April 28, 1982, Regular Meeting (10 a.m.)

CAP–1.—Project No. 5069–001, Douglas S. Marr

CAP–2.—Project No. 5363–000, Warrensburg Board and Paper Corporation Dam Project

CAP–3.—Project No. 5295–000, the Public Utilities Commission of the City of and County of San Francisco, California

CAP–4.—Project No. 5051–001 et al., City of Yakima, Washington (Rattlesnake Creek) et al.

CAP–5.—Project No. 5996–001, Pacific Mills Hydroelectric

CAP–6.—Project No. 1962–003, Pacific Gas & Electric Co.

CAP–7.—Project No. 5956–001, Potter Instrument Co.

CAP–8.—Project No. 4515–002, Eric R. Jacobson; Project No. 5413–000, Palisade Irrigation Distict

CAP–9.—Project No. 289–002, Louisville Gas & Electric Co.

CAP–10.—Project Nos. 67–000 and 2868–000, Southern California Edison Co.; Project No. 2904–000, Cities of Anaheim and Riverside, California

CAP–11.—Docket No. EL80–19–002, Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Docket No. EL80–24–002, Connecticut Municipal Electric Energy Cooperative v. Power Authority of the State of New York

CAP–12.—Docket No. E6454–004, City of Centralia

CAP–13.—Project No. 4919–001, City of Gillette, Wyoming; Project No. 3749–000, Mitchell Energy Co.; Project No. 4210–000, Energenics Systems, Inc.

CAP–14.—Omitted

CAP–15.—Project No. 5358–001, Woods Creek, Inc.; Project No. 5404–000, Puget Sound Power & Light Co.; Project No. 5428–000, Lawrence J. McMurtrey

CAP–16.—Project No. 2861–000, Robert W. Shaw

CAP–17.—Project No. 3313–000, City of Klamath Falls, Oregon

CAP–18.—Project No. 5440–001 et al., Lawrence J. McMurtrey

CAP–19.—Project No. 5076–000, St. Vrain and Left Hand Water Conservation District

CAP–20.—Project No. 3473–000, Jack M. Fuls; Project No. 3784–000, Deschutes Reclamation and Irrigation Co., Inc.; Central Oregon Irrigation District; and North Unit Irrigation District

CAP–21.—Docket No. ER81–577–005, Arkansas Power & Light Co.

CAP–22.—Docket Nos. ER79–126–001, ER79–126–002 and ER79–126–003, Arizona Public Service Co.

CAP–23.—Docket Nos. ER77–485–002, ER77–551–002 and E–9606–002, Carolina Power & Light Co.

CAP–24.—Docket No. ER80–713–003, Arkansas Power & Light Co.

CAP–25.—Docket Nos. ER78–19–005 et al., and ER77–175, Florida Power & Light Co.
CAP–26.—Docket No. ER82–159–000, Central Power & Light Co.
CAP–27.—Docket No. ER76–320, Connecticut Power & Light Co.
CAP–28.—Docket No. ER79–121–005, Utah Power & Light Co.
CAP–29.—Docket No. ER82–1–002, Public Service Co. of New Mexico
CAP–30.—Docket No. ER81–651–000, Northern States Power Co. (Minnesota)
CAP–31.—Docket No. ER82–188–001, Wisconsin Power & Light Co.
CAP–32.—Docket No. ER81–436–000, South Carolina Electric & Gas Co.
CAP–33.—Docket No. ID–1967–000, Margery Somers Foster
CAP–34.—Project No. 4309–001, Tuolumne Regional Water District

Consent Miscellaneous Agenda

CAM–1.—Omitted.
CAM–2.—Docket Nos. QF82–62–000 and QF82–63–000, Westfir Energy Co., Inc., Small Power Production and Cogeneration Facilities—Qualifying status
CAM–3.—Docket No. RM79–76 (Ohio—2), High-cost gas produced from tight formations
CAM–4.—Docket No. RM79–76 (Wyoming—9), High-cost gas produced from tight formations
CAM–5.—Docket No. RM79–76 (Wyoming—10), High-cost gas produced from tight formations
CAM–6.—Docket No. RM79–76 (Wyoming—11), High-cost gas produced from tight formations
CAM–7.—Docket No. RM79–76 (Wyoming—12), High-cost gas produced from tight formations
CAM–8.—Docket No. GP80–116–000, Texaco Inc.
CAM–9.—Docket No. GP82–8–000, State of Oklahoma, Section 102 NGPA Determinations, Davis Oil Co., Airport Trust Nos. 1 and 4 Wells, FERC JD80–57359 and JD80–55382
CAM–10.—Docket No. GP82–13–000, United States Geological Survey—Casper, Wyoming, Section 107 Determination, Amoco Production Co., U.S.A. Amoco "T" No. 1 Well, USGS Docket No. W251–1, J.D. No. 81–46228
CAM–11.—Docket Nos. RA81–68–000 and RA81–73–000, Kern Oil & Refining Co.
CAM–12.—Docket No. RM79–52, Interim procedures for shortages of electric energy and capacity under Section 206 of the Public Utility Regulatory Policies Act of 1978

Consent Gas Agenda

CAG–1.—Docket No. TA82–1–22–001 (PGA82–1, IPR82–1 and RD&D82–1), Consolidated Gas Supply Corp.
CAG–2.—Docket No. TA82–2–46–000 (PGA82–2), Kentucky West Virginia Gas Co.
CAG–3.—Docket No. TA82–2–48–000 (PGA82–2), Michigan Wisconsin Pipe Line Co.
CAG–4.—Docket No. TA82–2–47–000 (PGA82–2), MIGC, Inc.
CAG–5.—Docket No. TA81–2–51–000 (PGA82–2 and IPR82–2), Great Lakes Gas Transmission Co.
CAG–6.—Docket No. TA82–2–50–000 (PGA82–2), Valley Gas Transmission, Inc.
CAG–7.—Docket No. TA82–2–52–000 (PGA82–2), Western Gas Interstate Co.
CAG–8.—Docket No. TA82–2–49–000 (PGA82–2), Montana Dakota Utilities Co.
CAG–9.—Docket No. RP82–65–000, Tennessee Gas Pipeline Co.
CAG–10.—Docket No. RP82–66–000, East Tennessee Natural Gas Co.
CAG–11.—Docket No. RP82–64–000, Consolidated Gas Supply Corp.
CAG–12.—Docket No. RP82–61–000, United Gas Pipeline Co.
CAG–13.—Docket No. RP82–59–000, Panhandle Eastern Pipe Line Co.
CAG–14.—Docket No. RP82–60–000, Trunkline Gas Co.
CAG–15.—Docket No. RP82–54–000, Colorado Interstate Gas Co.
CAG–16.—Docket No. RP82–55–000, Transcontinental Gas Pipe Line Corp.
CAG–17.—Docket No. RP82–56–000, Northwest Pipeline Corp.
CAG–18.—Docket No. RP82–57–000, United Gas Pipe Line Co.
CAG–19.—Docket No. RP82–58–000, Panhandle Eastern Pipe Line Co.
CAG–20.—Docket No. RP82–62–000, Natural Gas Pipeline Co. of America
CAG–21.—Docket No. CP78–124, Northern Border Pipeline Co.
CAG–22.—Docket Nos. RP80–121 and RP81–81–003, United Gas Pipe Line Co.
CAG–23.—Docket Nos. ST81–260 and CP82–206, Mustang Fuel Corp.
CAG–24.—Docket No. RP80–113, Mid Louisiana Gas Co.
CAG–25. Docket No. RI79–21–002, Shell Oil Co.
CAG–26. Docket No. RI82–1–000, Energy Reserves Group, Inc.
CAG–27. Docket No. CI82–176–000, Felmont, Oil Corp.
CAG–28. Docket Nos. CI80–26–000 and CI80–27–000, Mobil Oil Corp.; Docket Nos. CI80–28–000, CI80–30–000, CI80–491–000 and CI80–492–000, Mobil Oil Exploration & Producing Southeast Inc.; Docket No. CI80–29–000 Mobil Producing Texas & New Mexico Inc.
CAG–29. Docket No. G–13758–002, Conoco Inc.; Docket No. CI82–174–000, Getty Oil Co.; Docket Nos. CI82–72–001, CI82–92–001, CI82–98–001, CI82–100–001, CI82–107–001 and CI82–119–001, TXO Production Co.; Docket No. CI82–135–001, Sun Exploration & Production Co.
CAG–30. Docket No. RP72–6–034, El Paso Natural Gas Co.
CAG–31. Omitted.
CAG–32. Docket No. ST81–268–002, Dow Intrastate Gas Co.; Docket No. CP81–322–001, Texas Gas Transmission Corp.
CAG–33. Docket No. CP71–237, Panhandle Eastern Pipe Line Co.; Docket No. CI71–714, Pan Eastern Exploration Co.
CAG–34. Docket No. CP74–122–006, Energy Terminal Services Corp.; Docket No. CP73–148–003, Energy Pipeline Corp.; Docket Nos. CP80–453–000 and CP80–453–001, Texas Eastern Transmission Corp.
CAG–35. Docket No. CP79–80–000, Trailblazer Pipeline Co.; Docket No. CP79–80–001, Overthrust Pipeline Co.; Docket No. CP79–80–002, and CP 79–80–003, Colorado Interstate Gas Co.; Docket No. CP80–7–000 and CP80–7–001, Mountain Fuel Supply Corp.; Docket No. CP80–380–000 and CP80–380–001, Northern Natural Gas Co.
CAG–36. Docket No. CP82–187–000, Consolidated Gas Supply Corp.; Docket No. CP82–188–000, Texas Eastern Transmission Corp.
CAG–37. Docket No. CP81–461–001, Cities Service Gas Co.
CAG–38. Docket No. CP82–22–002, Pacific Interstate Transmission Co.
CAG–39. Docket No. CP81–330–001, Columbia Gulf Transmission Co. and Southern Natural Gas Co.
CAG–40. Docket No. CP82–91–001, Texas Gas Transmission Corp., El Paso Natural Gas Co. and Michigan Wisconsin Pipe Line Co.
CAG–41. Docket No. CP79–298–001, Florida Gas Transmission Co.
CAG–42. Docket No. CP82–85–000, Great Lakes Gas Transmission Co.
CAG–43. Docket No. CP82–113–000, Consolidated Gas Supply Corp.
CAG–44. Docket No. CP79–457–002, Mississippi River Transmission Corp.
CAG–45. Docket No. CP82–2–000, Texas Eastern Transmission Corp.
CAG–46. Docket No. CP82–27–000, Cities Service Gas Co.
CAG–47. Docket No. CP80–300–002, Transcontinental Gas Pipe Line Corp.; Docket No. CP80–481–002, Florida Gas Transmission Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–48. Omitted
CAG–49. Docket No. CP81–463–000, Trunkline Gas Co.
CAG–50. Docket No. RP82–33–000, El Paso Natural Gas Co.

Power Agenda

I. Licensed Project Matters

P–1. Project No. 3209, California Department of Water Resources; Project No. 3518, North Kern Water Storage District; Project No. 4124, Kern County Water Agency
P–2. (a) Project No. 4148, Van Buren Township; (b) Project Nos. 2979–001 and 2980–001, Traverse City Light & Power Board; (c) Project No. 3142–002, City of Ann Arbor, Michigan
P–3. Omitted
P–4. Project No. 3943–000, Village of Channahon, Illinois; Project No. 3569–000, Mitchell Energy Co., Inc.; Project No. 4484–000, Village of Winnetka, Illinois; Project No. 4212–000, City of Morris, Illinois; Project No. 4491–000, Commonwealth Edison Co.

II. Electric Rate Matters

ER–1. Docket Nos. ER82–200–001 and ER82–200–002, Maine Public Service Co.
ER–2. Docket Nos. ER82–146–002 and ER82–146–003, Commonwealth Edison Co.
ER–3. Docket Nos. ER81–388–000, ER78–522 (phase II) and IN80–14, Virginia Electric & Power Co.; Docket No. EL80–9, Operation Overcharge v. Virginia Electric & Power Co.; Docket No. EL80–16, State of North Carolina Public Staff of the North Carolina

Utilities Commission v. Virginia Electric & Power Co.
ER-4. Docket No. ER76-828-000, Nantahala Power & Light Co.; Docket No. EL78-18-000, Town of Highlands, North Carolina et al., v. Nantahala Power & Light Co.
ER-5. Docket No. ER80-71-000, Central Illinois Public Service Co.
ER-6. Docket No. EL81-14-000, American Municipal Power—Ohio, Inc. and the City of St. Marys, Ohio v. the Dayton Power & Light Co.; Docket No. ER81-353-000, Dayton Power & Light Co.
ER-7. Docket No. EF80-5011, Western Area Power Administration
ER-8. Docket No. EF81-5121-000, Western Area Power Administration, Central Valley Project-Pacific Gas & Electric Co. Contract
ER-9. Docket No. EF81-5021-000, Western Area Power Administration
ER-10. Docket No. EF80-2011-000 (remand), U.S. Secretary of Energy, Bonneville Power Administration

Miscellaneous Agenda

M-1. Docket No. QF81-25-000, Tulsa Energy Corp., Small Power Production and Cogeneration Facilities—Qualifying status
M-2. Omitted
M-3. Docket No. Q81-19-000, Resources Recovery (Dade County), Inc.
M-4. Reserved
M-5. Docket No. RM82-26-000, revisions to maximum lawful prices under Sections 104, 106 and 109 of the NGPA
M-6. Docket No. RM82-25-000, Fees applicable to producer matters under the Natural Gas Act
M-7. Docket No. GP80-35-000, Southern Natural Gas Co.
M-8. Docket No. GP80-60-000, Valley Gas Transmission Inc.
M-9. Docket No. RA81-70-000, Placid Refining Co.
M-10. Docket Nos. RA79-4-000, RA79-22-000, RA80-44-000 and RA81-1-000 (Consolidated), Arizona Fuels Corp.

Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP78-78-001 (abandoned projects), Natural Gas Pipeline Co. of America
RP-2. Docket No. TA82-2-33-000 (PGA82-2, IPR82-2, AP82-2, TT82-2), El Paso Natural Gas Co.
RP-3. Docket No. TA81-2-17-002 (PGA81-2, IPR81-2, DCA81-2, LFUT81-3 and TT81-2), Texas Eastern Transmission Corp.
RP-4. (a) Docket No. IS81-165-000, Shell Pipe Line Corp.; Docket Nos. IS81-11-000, et al., Amoco Pipe Line Co.; Docket No. IS81-32-000, Chicap Pipe Line Co.; Docket Nos. IS81-116-000 et al., Cities Service Pipe Line Co.; Docket Nos. IS81-67-000 et al., Marathon Pipe Line Co.; Docket Nos. IS80-83 et al., Mid-Valley Pipeline Co.; Docket Nos. IS81-77-000 et al., Phillips Pipe Line Co.; Docket No. IS81-58-000, Pure Transportation Co. (b) Docket No. OR82-2-000, Tipco Crude Oil Co. v. Shell Pipe Line Corp.
RP-5. Docket No. IS82-91-000, Cheyenne Pipeline Co.; Docket No. IS82-92-000, Kaneb Pipe Line Co.

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket No. CP74-192-005 (remand), Florida Gas Transmission Co.
CP-2. Docket No. CP81-39-001, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.
CP-3. Docket No. CP77-511-004, Northwest Pipeline Corp.; Docket No. CP81-312-000, El Paso Natural Gas Co.; Docket No. CP81-314-000, Clay Basin Storage Co.; Docket No. CP81-325-000, Mountain Fuel Resources, Inc.; Docket No. CP81-326-000, Mountain Fuel Supply Co.
CP-4. Docket No. CP81-455-000, Kokomo Gas & Fuel Co.
CP-5. Docket No. CP82-98-000, Natural Gas Pipeline Co. of America
CP-6. Docket Nos. CP77-330, CP77-331 and CP77-270, El Paso Eastern Co.; Docket No. CP77-332, El Paso Natural Gas Co.; Docket No. CP77-269, El Paso LNG Terminal Co.; Docket No. CP77-271, United Gas Pipeline Co.
CP-7. Docket Nos. CP81-143-000 and CP81-143-001, Northern Natural Gas Co., a Division of Internorth, Inc.; Docket No. CP82-62-000, Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin); Docket No. CP82-74-000, Midwestern Gas Transmission Co.; Docket No. CP82-105-000, Northern Natural Gas Co., a Division of Internorth, Inc. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP-8. Docket Nos. CP81-307-000 and CP81-307-001, Northwest Pipeline Corp.; Docket Nos. CP81-365-000 and CP81-365-001, Natural Gas Pipeline Co. of America; Docket No. CP81-371-000, Northern Natural Gas Co.
CP-9. (a) Docket No. CP81-52-000, United Gas Pipe Line Co. (b) Docket No. CP81-99-000, Transwestern Pipeline Co. (c) Docket No. CP81-496-000, Delhi Gas Pipeline Corp. and Houston Pipe Line Co.
CP-10. Docket No. CP80-346-000, Consolidated Gas Supply Corp. and Consolidated Gas Transmission Corp.
CP-11. Docket No. CP81-221-000, Michigan Wisconsin Pipe Line Co.; Docket No. CP81-235-000, Northern Natural Gas Co.; Docket No. CP81-367-000, Transcontinental Gas Pipe Line Corp.
CP-12. Docket Nos. CP78-123 et al., Alaskan Northwest Natural Gas Transportation Co.
CP-13. Docket Nos. CP78-123 et al., Northwest Alaskan Pipeline Co.; Docket No. CP80-435, Alaskan Northwest Natural Gas Transportation Co.
CP-14. Docket No. TC80-92, Valero Interstate Transmission Co., complainant v. Transcontinental Gas Pipe Line Corp. and Delhi Gas Pipe Line Corp., respondent

Kenneth F. Plumb,

Secretary.

[S-613-82 Filed 4-22-82; 3:51 pm]

BILLING CODE 6717-01-M

11

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Wednesday, April 28, 1982.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Branch Office Application—Anchor Savings Bank, FSB, Northport, New York
Request for Further Extension of Time to Complete Organization—Thomas Sung et al., New York, New York
Branch Office Application—Anchor Savings Bank, FSB, Northport, New York
Modification of Condition—Home Trust Savings & Loan Association, Vermillion, South Dakota
Modification of Subordinated Debt—Ohio Savings Association, Cleveland, Ohio
Branching in Connection with Supervisory and Non-Supervisory Mergers and Acquisitions
Delegation of Authority Regarding Trust Powers Application
Adjustable Mortgage Loans
Home Loan Amendments; Adjusted Net Worth
Amendments Relating to Change in Control
Accounting for Gains and Losses from Dispositions and for Discounts from Acquisitions of Mortagage Loans and Certain Securities
Conversion from Mutual to Stock Form
Information Disclosure Requirement in Connection with Conversion from Mutual to Stock Form of Organization, Filing under the Seucrities Exchange Act of 1934, and the Issuance of Mutual Capital Certificates and Debt Securities

[No. 25, April 22, 1982]

[S-611-82 Filed 4-22-82; 3:35 pm]

BILLING CODE 6720-01-M

federal register

Monday
April 26, 1982

Part II

Department of Energy

Western Area Power Administration

Announcement of General Administrative Procedures for Review/Evaluation of Customer Conservation and Renewable Energy Programs

DEPARTMENT OF ENERGY

Western Area Power Administration

Announcement of General Administrative Procedures for Review/Evaluation of Customer Conservation and Renewable Energy Programs

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of implementation of general administrative procedures for review/evaluation of customer conservation and renewable energy (C&RE) programs.

SUMMARY: On November 13, 1981, the Western Area Power Administration (Western) published in the **Federal Register** (46 FR 56140) an announcement of its final Guidelines and Acceptance Criteria (G&AC) for Customer Conservation and Renewable Energy (C&RE) programs. The General Administrative Procedures summarized herein have been prepared, along with the previously published G&AC, in order to ensure, to the degree practicable throughout Western, consistent and objective review, evaluation, and determination of acceptability/unacceptability of customer C&RE program submittals.

In accordance with the G&AC, the General Administrative Procedures document states Western's step-by-step review and evaluation process for customer C&RE program submittals. The basic approach is utilization by Western of an Evaluation and Monitoring (E&M) Worksheet (i.e., checklist) to record pertinent information and appropriate disposition actions in chronological sequence for each customer C&RE program. The E&M Worksheet facilitates the evaluator's recording of the same types of information and checking the same types of items for each individual program. This method helps ensure consistent program review and evaluation throughout Western's five Area Offices, and it also makes Western's evaluation process easier and quicker when considering that no rigid reporting format is required of Western's customers when making their C&RE program submittals.

Various followup actions are also addressed in the General Administrative Procedures document for both acceptable and unacceptable customer C&RE programs. Customers are notified in writing of program acceptability. They are also notified in writing if upon Western's review of a customer C&RE program submittal it is determined that the submittal as written for our review does not meet the provisions of Western's final G&AC. Descriptions of program resubmittal, reevaluation, and rejection procedures are also provided in the General Administrative Procedures document—as well as procedures for biennial program verification. Appendices to this document contain example letters and forms used by Western for monitoring customer C&RE program activities and notifying customers of specific Western disposition actions pursuant to its review and evaluation process.

Additional appendices address several associated C&RE Program activities regarding interface actions between Western and its customers, and numerous in-house support activities that are part of Western's overall C&RE Program. Such topics as Western's provision of technical assistance to its customers, joint C&RE activity efforts, program monitoring, and site visits are discussed—as well as program data sharing, information support, annual Western C&RE Program assessments, and other internal Western activities.

The basic thrust of the General Administrative Procedures for reviewing and evaluating individual customer C&RE program submittals for acceptability is that they are specifically designed to be simple, consistent, traceable, and easy to follow. Western's previously published G&AC state the process for publication, submittal, and review of draft/final customer C&RE programs. The General Administrative Procedures in no way alter the contents of the G&AC, but rather provide a straightforward mechanism for G&AC application.

DATE: The effective date of the General Administrative Procedures is April 30, 1982.

ADDRESS: For further information regarding the General Administrative Procedures document, or receipt of a copy upon written request, contact either the appropriate Western Area Office or: Mr. Thomas L. Weaver, Assistant Administrator for Power Management and O&M, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231–1518.

SUPPLEMENTARY INFORMATION: During the development of Western's final Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs, which are the basis for the General Administrative Procedures summarized herein, a public comment forum on the G&AC was held in Denver, Colorado, on August 27, 1981, with a subsequent formal public comment period. The G&AC were developed pursuant to Western's authority under the Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*) and under Reclamation Law, Act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary thereto, in particular section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

Issued at Golden, Colorado, April 16, 1982.

Robert L. McPhail,

Administrator.

[FR Doc. 82-11280 Filed 4-23-82; 8:45 am]

BILLING CODE 6450-01-M

federal register

Monday
April 26, 1982

Part III

Department of Agriculture

Forest Service

Guidelines for Economic and Social Analysis of Programs, Resource Plans, and Projects; Final Policy

DEPARTMENT OF AGRICULTURE

Forest Service

Guidelines for Economic and Social Analysis of Programs, Resource Plans and Projects; Final Policy

AGENCY: Forest Service, USDA.

ACTION: Notice of final policy.

SUMMARY: The Forest Service, USDA, is issuing final policy and procedure to guide economic and social analysis of programs, resource plans, and projects in the Forest Service. This document will appear in the Forest Service Manual, Title 1900, Chapter 70, Economic and Social Analysis. What appears here and in the manual are identical except that 21 definitions shown in FSM 1970.5 will not be published in the FSM 1970 portion of the manual because they are already defined in Title 1900-Zero Code (FSM 1905) or in Title 36 Code of Federal Regulations Part 219. The 21 definitions are included here for readers' reference. FSM 1970 provides policy and principles for economic and social analysis of programs, resource plans, and projects within the Forest Service. Its purpose is to provide for a level of consistency in analyses carried out by individual Forest Service management units.

EFFECTIVE DATE: May 26, 1982.

ADDRESSES: R. Max Peterson, Chief, (PA), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert M. Randall, Policy Analysis Staff, (202) 447-5425.

SUPPLEMENTARY INFORMATION: Chapter 70, Title 1900, of the Forest Service Manual (FSM) has been developed in two stages. FSM 1970–1972, containing guidelines for economic analysis, was published in the Federal Register on April 17, 1981 (46 FR 22404). Twenty-nine responses were received. FSM 1973, concerning social analysis was published on May 27, 1981 (46 FR 28459). Thirty-one responses were received. All suggestions made by reviewers have been analyzed and considered in preparation of this final text.

The following summarizes the major comments made by reviewers and the Forest Service responses to these comments.

Major Comments on Proposed Guidelines for Economic Analysis (FSM 1970–1972)

1. *Better coordination of the economic analysis and social analysis sections is needed.* We agreed and consolidated parallel materials in FSM 1971, 1972, and 1973 into 1970. (See FSM 1970.2, 1970.3, 1970.5, 1970.7, and 1970.8.)

2. *Interest rates of 4 percent are unrealistic in many cases.* We changed instructions to recommend 4 percent only for long-term planning and investments in land and resource planning. (See FSM 1971.71.)

3. *Subsurface (minerals and petroleum) resource evaluations should allow for greater flexibility.* There was criticism concerning FSM 1970 language which suggested similar evaluations were applicable to all resources. As a result, the directive was rewritten to allow for greater flexibility by recognizing uncertainty as an evaluation factor. (See FSM 1970.6, 1971.3, paragraph 4, 1971.64(8), and 1971.83.)

4. *Cost classification section is confusing and needs substantial clarification.* FSM 1971.52 was substantially revised for purposes of clarification. This work was coordinated with ongoing work on FSM 1920, Land Management Planning.

5. *Value determination principles need clarification.* Parts of FSM 1971.63, 1971.64, and 1971.65 were rewritten to clarify principles, especially for nontimber output values.

6. *Definitions.* Many definitions were rewritten for clarity, dropped, or added to conform to some of the changes discussed in items 1–5 above. Some definitions were changed to conform to definitions given in Zero Code section of FSM 1900.

Major Comments on Proposed Guidelines for Social Analysis (FSM 1973)

1. *Level of specificity is inappropriate.* Some thought FSM 1973 to be too specific while others felt it to be too general. The level of specificity was retained so as to maintain a general process with sufficient flexibility to meet varying situations.

2. *Organization and numbering of manual are inappropriate and inconsistent.* Organization and numbering were reviewed and revised accordingly.

3. *FSM 1973 contains value judgments in use of terms "quality of life" and "social well-being."* FSM 1973 was carefully reviewed to eliminate value judgments. Terms are descriptive, indicating objectives of social assessment.

4. *Assessment areas should not be the same for the social as well as the economic.* Assessment areas should be the same, if possible. Allowances are made for cases where it is not possible or desirable. (See FSM 1970.72.)

5. *There is confusion of the social overview with the baseline.* The material has been revised so that the overview corresponds with a situation assessment.

6. *FSM 1973 goes beyond the intent of the National Environmental Policy Act of 1969 and the National Forest Management Act of 1976 and unnecessarily complicates planning and management.* FSM 1973 has been reviewed in this regard and the conclusion is that is leads to a clear understanding of the requirements of social assessment.

After consideration of reviewers' comments, the Forest Service has adopted the following final policy and procedures to guide economic and social analysis of programs, resource plans, and projects in the Forest Service.

Dated: April 14, 1982.

J. Lamar Beasley,

Acting Chief, Forest Service.

Title 1900—Planning

Chapter 1970—Economic and Social Analysis

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Chapter 1970—Economic and Social Analysis.

This chapter provides policy and principles for economic and social analysis of programs, resource plans, and projects in the Forest Service. These policies and principles apply to analyses specified in 36 CFR Part 219, FSM 1910, FSM 1920, FSM 1930, FSM 1950, and FSM 1990.

These policies and principles shall be incorporated in a timely manner in Forest Service analyses of programs, plans, and projects.

1970.1—Authorities:

1. *Multiple-Use Sustained-Yield Act of 1960* (MU–SY) (74 Stat. 215; 16 U.S.C. 528–531) as amended.

2. *National Environmental Policy Act of 1969* (NEPA) (83 Stat. 852; 42 U.S.C. 4321, 4331–4335, 4341–4347).

3. *Forest and Rangeland Renewable Resources Planning Act of 1974* (RPA) (Pub. L. 93–378; 88 Stat. 476; 16 U.S.C. 1600–1614) as amended by the National Forest Management Act of 1976 (NFMA) (Pub. L. 94–588; 90 Stat. 2949; 16 U.S.C. 472a, 476, 500, 513–516, 521b, 528, 576b, 594, 1600–1602, 1604, 1606, 1608–1614).

4. *Title 36 Code of Federal Regulations Part 219.* Provides guidelines for evaluating alternatives in Land and Resource Management Plans in implementation of the National Forest Management Act of 1976.

5. *Office of Management and Budget Circular A–94,* revised March 27, 1972. Provides guidelines for evaluating the economic efficiency of programs and projects by Federal agencies.

6. *Office of Management and Budget Circular A–116,* issued August 16, 1978. Requires urban and community impact analyses by executive branch agencies for major initiatives and long-range planning.

7. *Water Resources Council (WRC) Principles and Standards* (45 FR 64366, September 29, 1980). Applies to projects undertaken by the Forest Service alone or in cooperation with other agencies to develop water and related land resources.

8. *Public Rangelands Improvement Act of 1978* (43 U.S.C. 1901). Applies to economics of livestock industry, fee formulas, and funding of rangeland programs.

9. *Federal Land Policy and Management Act of 1976* (FLPMA) (43 U.S.C. 1701 (note)). Governs aspects of the Forest Service's range and lands programs.

1970.2—Objectives. The objectives of economic and social analysis in the Forest Service are to:

1. Integrate analyses of economic and social factors with other resource analyses to provide decisionmakers with an understanding of the impacts and tradeoffs needed to make informed decisions.

2. Use economic and social measures to compare and evaluate alternative programs, projects, and the effectiveness of existing programs.

3. Assure that the activities in each proposed alternative are the cost-efficient way to achieve the objectives of that alternative.

4. Promote consistent development and use of economic and social information throughout the Forest Service.

1970.3—Policy:

1. Economic and social analyses shall be integrated into the Forest Service planning process as appropriate for each organizational level.

2. Economic and social analyses shall include the costs, benefits, and effects upon the public.

3. Efficiency, along with other specified decision criteria, shall be considered in making decisions and in implementing and reviewing programs and budgets. Efficiency evaluations shall consider all relevant resource outputs and costs of the areas considered.

4. Economic and social impacts that affect local, regional, or national conditions shall be considered in decisionmaking. Environmental impact statements shall include economic and social impact analyses.

5. Economic and social analyses shall objectively describe changes in conditions that may be caused by Forest Service programs. These changes will be stated in definitive and objective terms.

1970.4—Responsibilities:

1970.41—Chief:

1. Establishes service-wide principles and procedures for economic and social analysis used, along with other criteria, to make decisions and to iplement and review programs.

2. Directs economic and social analyses of national assessments and programs such as RPA, other general policy studies, and special evaluations.

1970.42—Regional Foresters:

1. Establish regional direction to implement service-wide principles, procedures, and guidelines for economic and social analysis.

2. Direct and coordinate regional economic and social analyses. This includes joint responsibility for subregional market assessments and value studies with Area and Station Directors, and for cost studies of program activities within regions.

1970.43—Station Directors:

1. Establish Station direction to implement service-wide principles, procedure, and guidelines for economic and social analyses.

2. Cooperate with Regional Foresters and Area Directors on regional economic and social analyses.

3. Supervise evaluation of proposed and on-going research programs and projects.

1970.44—Area Directors:

1. In cooperation with State Foresters, establish Area direction and provide assistance to implement principles, procedures, and guidelines for economic and social analysis.

2. Cooperate with Regional Foresters and Station Directors on regional economic and social analyses.

3. Conduct analyses of State and Private Forestry program activities within areas.

1970.45—Forest Supervisors:

1. Conduct economic and social analyses of forest land and resource management plans, proposals having major economic or social impacts, and initiatives in annual budgets.

2. Assist in subregional market value and cost studies.

1970.5—Definitions. The following definitions used in this manual shall be used in economic and social analyses:

Activity. Actions, measures, or treatments that are undertaken which directly or indirectly produce, enhance, or maintain forest and rangeland outputs or achieve administrative or environmental quality objectives.

Activity type. The further description of the actions, measures, or treatments within an activity.

Alternative. One of several policies, plans, or projects proposed for decisionmaking.

Analysis period, long-term. A time horizon of expenditures in an analysis that is two or more 5-year RPA planning periods in duration. RPA, program, regional plan, and forest plan analyses have long-term periods.

Analysis period, short-term. A time horizon of expenditures in an analysis that is only one or several years in duration. A budget analysis is short-term.

Asset, capital. A natural resource, manmade structure, facility, or improvement in natural resources used as an input in production processes.

Asset, residual. The remaining value of a capital asset at the end of the time horizon of the planning or analytical process.

Benefit. The total value of an output or other effect.

Benefit-cost ratio. Measure of economic efficiency, computed by dividing total discounted primary benefits by total discounted economic costs.

Benefit, direct. A primary benefit that fulfills specified objectives of the policy, program, or project.

Benefit, induced. A primary benefit from an output that is incidental to the objectives of the policy, program, or project.

Benefit, primary. A benefit accruing to resource owners from a primary output, which may be direct or induced, or a residual asset. Primary benefits are components of net public benefits.

Benefit, secondary. A benefit accruing to parties other than the resource owners, including effects on local, regional, and national economies and on consumers of outputs. Secondary benefits are not necessarily included in net public benefits.

Community cohesion. The degree of unity and cooperation within a community in working toward shared goals and solutions to problems.

Community stability. The capacity of a community to absorb and cope with change without major hardship to institutions or groups within the community.

Comparison communities. Communities that have been subject to actions similar to those being proposed by the Forest Service and that can be used to help predict possible social effects on the impact analysis area.

Complex planning action. A planning action in which individual components of the alternatives require separate decisions (see FSM 1970.62).

Cost, associated. In functional analyses, an impact on the costs of other activities, including reduced or additional transportation and protection costs.

Cost, common-use transport facility. A cost involved with the construction and reconstruction of arterial and collector roads or other jointly-used transport facilities. It is a variable cost.

Cost, direct. A cost that directly contributes to the production of the primary outputs of an activity, project, or program.

Cost-effective. Achieving specified outputs or objectives under given conditions for the least cost.

Cost, economic. Total fixed and variable costs for inputs, including costs incurred by other public parties and, if appropriate, opportunity costs and cost savings.

Cost, fixed. A cost that is committed for the time horizon of planning or the decision being considered. Fixed costs include fixed ownership requirements, fixed protection, short-term maintenance, and long-term planning and inventory costs.

Cost, fixed ownership requirement. A cost involved with nondeferrable activities for ensuring public safety and environmental protection not associated with controlled outputs. It is a fixed cost.

Cost, general administration, fixed. a cost of line officers, their immediate clerical staff, and common services (such as joint-use facility and equipment management). It is a fixed cost.

Cost, general administration, variable. A general administration cost that varies with level of program activities, including program support (personnel, fiscal and accounting, data processing, and similar functions). Such costs are prorated over all other fixed and variable costs.

Cost, investment. A cost of creating or enhancing capital assets, including costs of administrative or common-use transport facilities and resource management investments.

Cost, joint. A cost contributing to the production of more than one type of benefit.

Cost, long-term planning and inventory. A fixed cost involving long-term management planning and resource inventory. Such costs do not include project or operational plans related to controlled outputs. They are fixed costs.

Cost, maintenance, long-term. A cost required to keep capital assets at agreed levels of service and availability for reasons of controlled use. Such costs are variable costs.

Cost, maintenance, short-term. A short-term cost that would be incurred in the absence of controlled use to keep existing capital assets at levels of service and availability specified in a long-range plan. Such costs are fixed costs.

Cost, non-Forest Service. A cost of investment and operating activities paid by cooperators or other non-Forest Service agencies, which are part of Forest Service management programs or which contribute to the outputs included in the analysis.

Cost, operational. For the National Forest System, a cost of activities to plan and manage controlled outputs, and for long-term protection and maintenance of capital assets. For State and Private Forestry and Research, operational costs include program activity costs. They are variable costs.

Cost, opportunity. The value of a resource's foregone net benefits in its most economically efficient alternative use.

Cost, protection, fixed. A cost to protect capital assets and resources in the absence of controlled uses at levels of availability specified in a long-range plan. Such costs are fixed costs.

Cost, protection, variable. A protection cost incurred as a result of controlled use. Such costs are variable costs.

Cost, resource management investment. A cost of treatments or related activities for controlled outputs that has benefits accruing over more than one planning period. Such costs are variable costs.

Cost, resource management operations. A cost of managing controlled outputs or related activities that has benefits accruing within a 5-year planning period. Such costs are variable costs.

Cost, separable. An identifiable portion of costs of jointly-used,

manmade resources or services that are required by or contribute to only one objective or output.

Cost, site-specific. A cost (of resource management and investments) that reflects the difficulty of activities at individual sites or classes of resources.

Cost, transaction. The total economic cost incurred in acquiring inputs including such cost as design, legal fees and permits, and transportation.

Cost, variable. A cost that varies with the level of controlled outputs in the time horizon covered by the planning period or decisions being considered. Variable costs include investment, operational, and variable general administration.

Decision unit. The smallest component of an alternative for which relevant inputs (costs) and outputs (benefits) are analyzed. A general term that applies to analyses at any level. Decision units may be grouped for decisionmaking into aggregates called decision variables.

Demand. The amount of output that users are willing to take at a specific price, time period, and conditions of sale.

Demand analysis. A study of the factors affecting the schedule of demand for an output, including the price-quantity relationship if applicable.

Demand schedule (curve). A schedule of quantities of an output that users are willing to take at a range of prices, at a given time, and conditions of sale.

Discount rate. An interest rate that represents the cost or time value of money in determining the present value of future costs and benefits.

Discount rate, nominal. Discount rate expressed in terms of current dollars, and thus affected by the rate of inflation.

Discount rate, real. A discount rate adjusted to exclude the effects of inflation.

Discounting. An adjustment, using a discount rate, for the value of money over time so that costs and benefits occuring in the future are reduced to a common time, usually the present, for comparison.

Effectiveness, cost. Achieving specified outputs or objectives under given conditions for the least cost.

Efficiency, cost. The usefulness of specified inputs (costs) to produce specified outputs (benefits). In measuring cost efficiency, some outputs (such as environmental, economic, or social impacts) are not assigned monetary values, but are achieved at specified levels in the least cost manner. Cost efficiency is usually measured using present net value, though use of benefit-cost ratios and rates-of-return may sometimes be appropriate.

Efficiency, economic. The usefulness of inputs (costs) to produce outputs (benefits) and effects when all costs and benefits that can be identified and valued are included in the computations. Economic efficiency is usually measured using present net value, though use of benefit-cost ratios and rates-of-return may sometimes be appropriate.

Elasticity, price. A measure of the sensitivity of the quantity of a good or service exchanged to changes in price.

Employment. Labor input into a production process, measured in the number of person-years or jobs. A person-year is 2,000 working hours by one person working year long or by several persons working seasonally.

Evaluation. An assessment of policies, programs, plans, or projects based on economic and social measures.

Good, merit. An output deemed worthy by political process or authority to be provided to the public in addition to what would be provided by competitive markets. It is provided free, at a minimal charge, or at actual cost. Examples are free firewood, picnic grounds, recreation travel on roads, and hiking trails.

Good, public. An output for which it is impractical to impose a charge, either because it must be supplied to all if it is supplied to one, or because the costs of collection and control exceed likely revenues.

Impact analysis area. The delineated area subject to significant economic and social impacts from Forest Service activities included in an economic or social impact analysis.

Impact analysis subarea. A specific area within an analysis area that is subject to localized economic or social impacts from Forest Service activities.

Impact, economic. The change, positive or negative, in economic conditions, including distribution and stability of employment and income in affected local, regional, and national economies, which directly or indirectly results from an activity, project, or program.

Impact, economic, direct. Impact, caused directly by forest product harvest or processing, or forest uses.

Impact, economic, indirect. Impacts that arise from supporting industries selling goods or services to directly affected industries.

Impact, economic, induced. Impacts resulting from employees or owners of directly or indirectly affected industries spending their income within the economy.

Impact, social. The change, positive or negative, in social and cultural conditions that directly or indirectly results from an activity, project, or program.

Income. Employee compensation, profits, rents, and other payments to households.

Incremental analysis. A comparison between the change in discounted benefits and the change in relevant discounted costs for each change in program or project size.

Industry. A class of firms engaged in raw material production, manufacture, or trade.

Input. Land, labor, or capital required for production processes.

Input/output analysis. A technique for analyzing the interdependence of producing and consuming sectors in an economy.

Institution. A significant practice, relationship, or organization in a society or culture, for example: the family, the economy, work, government, education, and religion.

Institutional analysis. An analysis of the various institutions within the analysis area and their predicted response to proposed Forest Service actions.

Interest, implicit. The interest on the value of capital assets that would have to be paid if the value were borrowed.

Investment, capital. Activities that create or improve capital assets to obtain benefits occurring during several planning periods.

Investment, joint-use. Investments that are used to produce several benefits.

Investment, resource management. Investments that improve natural resources (including land, vegetation, or animal populations) to increase future net benefits or reduce losses in several planning periods.

Least-cost analysis. Determination of the least cost means of attaining specified results.

Lifestyle. The characteristic way people live, indicated by consumption patterns, and work, leisure, and other activities.

Loss. Negative change in the discounted net value of resources caused by fire, storm, pests or other factors.

Low income. Household income below the poverty level as defined by the U.S. Department of Health and Human Services.

Management prescription. Management practices and intensity selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives.

Market. The processes of exchanging a good or service for money or other

goods or services according to a customary procedure. A market may occur in a specific place or throughout an area by individual transactions.

Market area. The area from which a market draws or to which it distributes its goods or services, and for which the same general price structure and price influences prevail.

Market assessment. A market study describing sources of supply and demands for a good or service, pricing processes, and influences on value.

Market subarea. Portions of a market area in which the price is affected by differences in local costs of production or transport.

Minority. Persons as specified in Directive 15, Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Statistical Policy Handbook (1978).

Occupation. Type of employment as classified by Office of Personnel Management in Document X–118: Qualifications Standards for positions under the General Schedule.

On-site use. Consumption of a service at the site where it is produced; for example, recreation.

Output. A good, service, or on-site use produced from forest and rangeland resources.

Output, controlled. The amount of an output which management has the legal and practical ability to control with management activities.

Output, direct. An output that fulfills specified objectives of the policy, program, or project being evaluated.

Output, induced. An output that is produced incidental to the objectives of the policy, program, or project.

Output, non-controlled. The amount of an output which will occur regardless of management activity.

Outputs, joint. Two or more outputs that must be produced together in a production process from joint costs.

Payment in lieu of taxes. Payments to local or State governments based on ownership of Federal land and not directly dependent on production of outputs or receipt sharing. Specifically, they include payments made under the Payments in Lieu of Taxes Act of 1976 by U.S. Department of the Interior.

Period, planning. A time interval for which inputs and outputs are identified in a planning process. Current RPA and National Forest Plan intervals are 5 and 10 years, respectively.

Present net value. The difference between the discounted values (benefits) of all outputs to which monetary values or established market prices are assigned, and the total discounted costs of managing the planning area.

Present net value, primary. The present net value which includes only the benefits and costs of producing primary outputs, and excluding secondary benefits.

Price. The unit value of an output expressed in dollars.

Production function. A quantitative description of the relationship between inputs and outputs in a production process.

Production process. A procedure which transforms inputs into outputs.

Quality of output. The usefulness or desirability of a good or service, expressed as a physical measure, index, or grade.

Rate-of-return. The financial yield per unit cost, determined as the rate of interest at which total discounted benefits equal total discounted costs. (Internal rate-of-return is a similar measure appropriate to the benefits and costs that affect private firms or individuals).

Real dollar value. A monetary value that compensates for inflation.

Receipt sharing. The sharing of receipts received from resource management with State and county governments, such as the Forest Service 25-percent fund payments.

Schedule, benefit and cost. List of the sequence of benefits and costs over time.

Schedule, input and output. List of the sequence of management activities and outputs over time.

Sensitivity analysis. A determination of the consequences of varying the level of one or several factors while holding other factors constant.

Short-term evaluation. Evaluation of a plan or project for a limited time period, at the end of which the residual assets still retain a significant present value.

Social organization. The structure of a society described in terms of institutions, community cohesion, and community stability.

Social variable. A variable that measures the social impact of Forest Service management alternatives. Examples include population statistics, types of institutions, and personal opinion as reflected in attitudes or as demonstrated by behavior.

Stage of production. One of several production processes in a series that converts raw materials into final goods or services used by consumers.

Structural change. Change in composition or mix of economic and social activities or industries.

Supply. The amount of an output that producers are willing to provide at a specific price, time period, and conditions of sale.

Supply, alternative source. The supply of a good or service from a source whose production processes are not considered in a planning process or evaluation.

Supply schedule (curve). A schedule of amounts of an output that producers are willing to provide at a range of prices, at a given time, and specified conditions of sale.

Tax. An obligatory payment to a government that goes into a fund for general governmental support purposes. Taxes do not include social security and other employment insurance, or other payments for benefits received directly by the payer.

Technology change. A change in the relationship between inputs and outputs in a production process resulting from the implementation of new technology, or a new application of existing technology.

Time horizon. Time limit for plan or evaluation.

Time period. Interval of time in a production process.

Underemployed. Unemployed persons not actively seeking employment but who would, given the opportunity. This also includes persons employed parttime who could work full time and persons who are capable of doing work with higher requirements.

Unemployed. Not employed but actively seeking employment.

Value, market. The unit price of an output normally exchanged in a market after at least one stage of production, expressed in terms of what people are willing to pay as evidenced by market transactions.

Value, nonmarket. The unit price of a nonmarket output not normally exchanged in a market at any stage before consumption, and thus must be imputed from other economic information.

1970.6—Scope of analyses. The line officer shall determine the scope and appropriate level of analysis needed, including the need for decision units, partial analyses, and the levels of economic and social analyses. In many planning and management situations, analysis requirements are specified by laws and regulations, or by Forest Service policy (see FSM 1910, 1920, 1930, and 1950). In other situations, the scope and depth of analyses depend on the potential effects of the program or project being planned or reviewed.

Economic and social analyses should recognize that not all costs, benefits, and effects can be quantified. Analyses should also recognize that uncertain events may occur. Examples are the discovery of subsurface mineral

deposits, major technological improvements in extraction and processing, substantial shifts in output demand, or catastrophic loss from fire, storm, insects or disease. If it appears likely that such events will occur, the effect of each alternative on the probability of occurrence and expected impacts should be analyzed. Uncertainty is also discussed in FSM 1970.8, 1971.3, and 1971.7.

1970.61—Types of measures analyses are to provide. Economic and social analyses seek two types of measures:

1. Economic or cost efficiency measures, as discussed in FSM 1971.

2. Social welfare measures, the economic and social effects on local, regional, and national areas, as discussed in FSM 1972 and 1973.

1970.62—Decision units in complex planning actions. Planning the scope of analyses includes determining whether individual components (analysis units, organizational units, and transportation, protection, land purchase, or exchange programs, among others) require separate decisions within the planning effort. If separate decisions are necessary, the costs and benefits of each component must be identified. Analytical techniques should be used to develop the efficient combination of activities for each decision unit within each alternative. Decision units are discussed in FSM 1971.42, 1971.54, and 1971.73.

1970.63—Scope of partial analyses. Analyses of producing individual outputs such as timber, recreation, or range (see FSM 1971.84) should consider all primary benefits affected (both direct and induced), and the separable and joint costs. (When all aspects of alternatives are included in an analysis, all primary outputs are direct.)

1970.64—Geographic levels of analysis. Within the Forest Service, planning and analysis occurs at three levels: Local, regional, and national. The variables, impact analysis areas (see FSM 1970.72), and methods should be appropriate to the Forest Service activity under consideration. To the extent possible, information should be developed at each level so that it is useful at other levels. The Economic and Social Analysis Handbook, FSH 1909.17 (forthcoming), discusses the applications of analysis at different levels.

1970.7—Coordination of economic and social analysis. Evaluations of economic efficiency and economic and social analyses shall be coordinated.

1970.71—Inclusion in the planning process. The planning criteria for conducting the planning process (see FSM 1910, 1920, and 1950) shall include plans for economic and social analysis, including the types of data, units of measure, and analytical procedures.

1970.72—Delineation of impact analysis areas. Impact analysis areas should be delineated based upon the natural boundaries that define the way people live in their environment. Each impact analysis area is a unique combination of social, economic, or cultural conditions, which can experience impacts caused by Forest Service activities, and may influence how Forest Service policies, programs, and activities are implemented.

The planning area may be included in several impact analysis areas and may influence or be influenced by each in different ways. Therefore, the effects of continuing or changing Forest Service policies, programs, or activities shall be assessed for each impact analysis area within which the planning area occurs. Impact analysis areas generally do not conform to forest boundaries: they may cross county and State lines and may be regional, national, or international in scope.

The same areas should be used for economic and social impact analyses for each planning action, unless documented reasons suggest considering different areas. For analyses, some subareas within impact analysis areas may be needed to analyze differential impacts on portions with significantly different economic, social, or cultural conditions.

1970.73—Based economic and social assumptions. Economic and social analyses at the national, regional, and State level shall use the same basic population, economic activity, and income projections used in the most recent RPA assessment, unless updated information or specific authorization to vary from them is issued by the Chief. For example, the same series of population and economic growth projections should be used. These projections have been prepared for Federal agencies by the Bureau of the Census and Bureau of Economic Analysis in the U.S. Department of Commerce. For county and substate areas, projection assumptions should be compatible with those used for State and regional levels.

1970.74—Adjustments for real dollar values. Real dollar values of a base year shall be used for costs and benefits in analyses. Adjustments of past costs or prices should generally use the implicit GNP deflator as given in the Economic Report of the President each year. For specific cost and budget studies, price indexes for individual cost components given in FSH 1909.17 should be used. The base year will be that used in the most recent RPA, or as designated by the Chief.

Analyses should recognize that real price changes in costs and benefits may occur because some price trends deviate from those of the general economy. Expected real price change trends, if significant, should be projected by output or cost category and by region of the United States (see FSM 1971.53 and 1971.64.)

1970.8—Analysis and Display of Results. Analyses shall compare proposed alternatives with base alternatives that represent conditions and trends that would prevail without the program or project. The base alternative's assumptions may depend on the type of planning process. Specific guidelines are given in FSM 1910, 1920, 1930, and 1950.

The analysis should emphasize significant differences among alternatives, rather than total measures for each. If a base alternative is required for the type of planning action being conducted (see FSM 1910, 1920, and 1930), comparisons of other alternatives with the base alternative should be presented. When alternatives represent incremental levels of management toward the same objectives, differences between each increment should be analyzed. Economic and social analyses also should compute and compare absolute and relative rates of change for quantified variables. Making decisions using incremental net benefits of alternatives beyond those of base alternatives implicitly recognizes the opportunity costs of resource use.

In economic and social analysis, quantified measures and indexes should not be the sole means used to display the impacts of alternatives, because some important impacts lose their meaning when translated into simple scales or indexes. In any case, the impact values of different economic and social variables should not be added without establishing that the variables are comparable.

The economic and social analysis may use a matrix format to present economic and social measures for each alternative. The matrix should be an overview of the projected economic efficiency and economic and social impacts of each alternative and should accompany the detailed narrative summary. In addition, the matrix may include descriptive indications of uncertainty and the degree of flexibility of each alternative in coping with unforeseen events.

1971—Evaluating Economic Efficiency. Economic efficiency evaluations estimate how well resources

and capital investments are used in providing present and future benefits to the Nation. They should be made for each alternative.

1971.1—Purposes of Evaluating Economic Efficiency. Economic efficiency is evaluated to assist decisionmakers in:

1. Evaluating and ranking alternatives by present net value and other appropriate measures of economic efficiency.

2. Selecting the efficient combination of activities in an alternative.

3. Measuring tradeoffs among resource outputs and among types of programs.

4. Developing incremental unit costs and other measures of performance to aid in decisionmaking.

1971.2—Tasks in Evaluating Economic Efficiency. The basic tasks in evaluating economic efficiency are:

1. Determining the measures to be used.

2. Identifying inputs, outputs, and production processes.

3. Collecting and analyzing input and cost data.

4. Assessing markets and developing output values.

5. Computing measures of economic efficiency.

6. Conducting needed supplemental procedures.

These tasks are parts of the planning processes described in FSM 1910, 1920, and 1930. FSH 1909.17, Economic and Social Analysis Handbook (forthcoming) provides further detail, procedures, background, and data sources for evaluations.

1971.3—Measures. Present net value is the primary measure of economic efficiency to be used in comparing alternatives. Present net values should be computed for each alternative and, in complex planning actions (see FSM 1970.62), should be computed for each option of a decision unit. See FSM 1971.71 for discount rates to be used, and FSM 1971.72 for discounting standards. Incremental benefit-cost ratios and rates-of-return may also be computed if they contribute to the evaluation.

In general, present net values are more appropriate measures of economic efficiency than benefit-cost ratios or rates-of-return when comparing alternatives for managing the same resources in long-term analysis periods either without a budget constraint or with the same budget constraint. However, in allocation of limited budget funds in short-term analysis periods to implement long-term plans, present net values do not measure relative economic efficiency because programs or projects may differ greatly in scale. In such comparisons, benefit/cost ratios are more valid (see FSM 1971.7).

Benefit-cost ratios or rates-of-return are often useful in comparing alternate non-resource projects for their cost effectiveness. They indicate the economic efficiency in terms of the growth of capital used in investments and operating funds. FSH 1909.17 (forthcoming) discusses the use of economic efficiency measures in detail.

Evaluations of economic efficiency should recognize that not all aspects can be expressed as quantified measures. In particular, it may be appropriate to include the possibility of uncertain future developments (see FSM 1970.6). In some cases, a separate measure that would subjectively rank alternatives according to the probabilities of event occurrence or flexibility of response to unforeseen occurrences may be useful.

1971.4—Identifying Inputs, Outputs, and Production Processes. Economic efficiency evaluations must clearly identify signficant inputs and outputs of production processes. Inputs are the amounts of land, labor, and capital required. Outputs are amounts of goods and services expected to be produced. A description of the functional relationship between inputs and outputs is needed, and should be presented in a format appropriate for each evaluation.

1971.41—Standards for level of detail. Evaluations should present quantitative schedules of input and output flows expected over time, or refer to such schedules in associated documents. The following general guidelines apply:

1. *Time horizon and periods.* Schedules of inputs (costs) and outputs (benefits) should include significant input and output flows to an equivalent time horizon. The number and length of time periods from the present to the horizon should encompass significant changes in flows of costs and benefits. FSM 1910, 1920, and 1930 specify time periods for the planning they require.

In situations where the length of production processes are unequal, adjustments in the time stream of costs and benefits should be made to assure comparability, or estimates of residual values should be included.

2. *Production process cycles.* Production process cycles should span the entire set of activities required to establish the vegetation or facilities, maintain the resources, recover periodic outputs, and at the end, perform cleanup and salvage in preparation of another cycle. Activities to remove vegetation, debris, or facilities prior to the start of a cycle are costs of the previous cycle, or of developing the land and other resources for production. As an example, timber rotations are from bare land to bare land.

3. *Stage of production.* Evaluations of Forest Service programs and projects should include only those production processes and output uses directly affected by the programs and projects, or which use technical information provided by Forest Service programs.

4. *Technology Transfer.* An evaluation proposing the application of new technology should indicate the assumptions or changes in production processes resulting from its application, when it will become available, when it can be implemented, and the potential opportunities to which it can be applied.

1971.42—Standards for inputs:

1. In schedules of inputs and outputs for long-range production processes, inputs do not need to be listed directly. They may be combined into activities or management practices with their associated costs.

2. For analyses of the most cost efficient activities or their combinations, inputs should be specified and analyzed. Analysis of inputs for activities may also be used to project trends in real costs (see FSM 1971.54(2)).

3. Activity or management practices should be consistent with or be capable of being converted to classifications in the Management Information Handbook, FSH 1309.11.

4. Activities or management practices should be specified in sufficient detail to permit estimation of economic costs by decision units (such as classes of land), if the cost differences significantly affect economic efficiency among decision units.

5. Legally required activities to protect the environment or maintain land productivity should be included when applicable.

1971.43—Standards for outputs:

1. Primary outputs that contribute to program objectives should be measured or estimated. This includes appropriate direct, induced, and residual outputs, whether controlled or not controlled.

2. Secondary outputs, or those accruing to third parties instead of to resource owners, should be measured in economic and social impact analyses if required. The value of secondary benefits should be included in economic efficiency computations only if substantial evidence indicates that the values are net national benefits, rather than regional gains at the expense of other regions.

3. When practical, quality measures of

outputs should be estimated and valued if quality significantly affects value and thus resource allocation, and if the alternatives being considered would substantially affect output quality.

4. Changes in resource productivity should be measured by changes in flows of future outputs.

5. Long-term cumulative effects shall be evaluated either in increments or at one point in time, so that these effects are not double counted.

6. Average expected rates of loss from fire, storm, insects, and disease should be deducted from flow projections of output and use. Loss estimates should be based on analysis of fire, storm, or pest programs, when conducted, or on expert judgment. (Risk of loss should not be included in the analysis by altering the discount rate (see FSM 1971.72)).

1971.5—Analyzing costs. In planning, all economic costs should be considered. These include budget costs (Federal government outlays for inputs of labor, services, supplies, and equipment under the principal categories of administrative costs, operating costs, and investment costs) and other costs such as those incurred by users in extracting outputs or in engaging in onsite uses. Economic costs should include only those costs in the production process up to the point of evaluation (FSM 1971.64) or which influence the values of outputs.

1971.51—Purposes:

1. To ensure that realistic cost relationships are used in all levels of planning.

2. To identify marginal or incremental costs.

3. To aid in preparing annual budgets.

4. To monitor program implementation.

1971.52—Classification. All budget costs should be classified as outlined in Tables 1 and 2. These tables list all costs as either fixed or variable, depending on whether they are to be used in short-run or long-run decisionmaking. The schedule of fixed costs is committed for the planning horizon and will not be changed by the level of controlled outputs or activity selected. Of course, the planned schedule of fixed costs may include differing levels period by period. Among other things, the fixed costs cover the management of non-controlled outputs. Even though fixed costs do not vary by alternative and thus will not affect decisions reached, the planning procedures should recognize and document them.

TABLE 1.—COST CLASSIFICATION AND APPLICATION FOR THE NATIONAL FOREST SYSTEM

Cost class	Short-term	Long-term
Forest Service costs:		
Fixed costs:		
Fixed ownership requirements	x	x.
Fixed protection	x	x.
Short-term maintenance	x	
Long-term planning and inventory	x	x.
Fixed general administration	x	x.
Variable costs:		
Investment:		
Administrative facilities	x	x.
Common-use transport facilities	x	x.
Resource management	x	x.
Operational:		
Planning & management of controlled outputs.	x	x.
Long-term maintenance		x.
Variable protection	x	x.
Variable general administration	x	x.
Non-Forest Service costs:		
Co-op investment	x	x.
Co-op operation	x	x.
Co-op maintenance	x	x.

TABLE 2.—COST CLASSIFICATION AND APPLICATION FOR STATE AND PRIVATE FORESTRY AND RESEARCH

Cost class	Short-term	Long-term
Forest Service costs:		*
Fixed costs:		
Short-term maintenance	x	
Planning	x	x.
Fixed general administration	x	x.
Variable costs:		
Investment:		
Administrative facilities	x	x.
Operational:		
Program operations	x	x.
Long-term maintenance		x.
Variable general administration	x	x.
Non-Forest Service cooperator costs	x	x.

Variable costs are all costs in addition to fixed costs; they vary with the controlled output level of the alternative chosen. Since the continued use, maintenance, replacement, and acquisition of capital assets are decisions of long-term planning, the maintenance of existing assets is a variable cost in long-run analysis periods. However, in short-term planning, the capital assets to be retained and maintained have already been decided by the long-term plan; thus maintenance of existing assets is a fixed management responsibility, involving fixed costs.

Theoretically, all costs are variable in the long-term since it would be possible to cease operations and sell or abandon all assets, including the land. Since, in virtually all planning efforts, this is not a legal or feasible alternative, the costs associated with ownership of the land should be considered fixed in long-term analysis periods.

The definitions in FSM 1970.5 provide further distincitions among the cost classes in Tables 1 and 2. FSH 1909.17 (forthcoming) specified the cost classes to which each of the activities and activity types in the Management Information Handbook belongs.

1971.53—Standards:

1. In addition to operational costs of controlled outputs, evaluations should include costs of management of non-controlled outputs, maintaining land productivity, protecting the environment, and assuring public safety, when applicable, as well as costs of cooperating public agencies and private firms and individuals.

2. All costs up through the stage of processing at which the benefits are valued or environmental effects are achieved should be included (see FSM 1971.41).

3. Differences in transport or other access costs borne by forest users between proposed and base alternatives should be included as user costs, especially in project-level analyses, unless these costs are incorporated into output values.

4. Only those costs associated with on-site production of an output should be included. Costs associated with off-site processing or use should be excluded unless on-site conditions or restrictions affect further processing or use. In such cases, only differences in costs between alternatives should be included.

5. Budget and economic costs of inputs purchased from outside the Forest Service are valued at their transaction costs.

6. Economic costs are expressed as real dollar values. Using the base year established by the Chief, real cost changes should be supported by studies of long-term cost trends using accepted methodology. Suggested analytical methods are presented in FSH 1909.17 (forthcoming).

7. Protection and maintenance costs should be sufficient to protect resources and maintain roads and other facilities at the most efficient level or condition to fulfill their intended uses throughout their designed life. Specific standards for road maintenance are found in FSM 7732.11.

8. Investment costs should include all pertinent costs, including site acquisition, design, engineering, and required environmental protection.

9. Economic costs should not include taxes paid by firms or receipts shared by the Forest Service with counties. Taxes and receipt sharing are divisions of benefits between recipients and public entities.

10. Economic costs should not include explicit charges for interest computed on the value of existing National Forest land and other resources. Exceptions

may be made in policy analyses that include alternatives to dispose of land (see FSM 1971.52).

11. For economic efficiency evaluations, general administration costs should be separated into fixed and variable components.

a. Fixed general administration costs include costs of line officers and their immediate clerical staff, and common services. Fixed general administration is a category of fixed costs and is not prorated.

b. Variable general administration costs include program support costs. They are to be prorated over all other variable costs, including investment and operational costs.

Not all common service expense is associated with fixed activities, nor does all program support expense contribute to variable program activities; but in long-term planning the discrepancies may roughly balance. For budget planning, units may optionally make a more equitable distribution of general administration costs based on local circumstances. See FSH 1309.11 for detailed cost definitions.

1971.54—Studies. Cost studies should be made and updated at appropriate intervals between planning cycles for both short-term budget and long-term planning. When the Program Accounting and Management Attainment Reporting System (PAMARS) is implemented in each unit, its data should be used in determining historical costs of activities and activity types. The cost classification should be consistent with the MIH codes in FSM 1309.11. Regional Foresters should coordinate these studies among field units (FSM 1970.42) Appropriate costs studies include:

1. *Site-specific cost studies.* Analysis of production processes on many types of land may require specific cost information. Several approaches to estimating site-specific costs can be used: Statistical analysis of project costs using sample data, constructed cost estimation, and cost estimation by technical experts.

2. *Cost trend analyses and projections.* Some costs may change at rates other than the general rate of inflation. Trends of such real cost changes should be determined through statistical analysis, if data are sufficient, or by estimating changes in costs of inputs, such as labor, equipment, or energy. Market analyses may be needed to project costs for production inputs.

3. *Maintenance cost studies.* A long-term lease cost strategy for maintaining or repalacing various types of assets needs to be developed. In addition, future maintenance and replacement rates need to be estimated. This will require estimates of costs that will be incurred to keep capital assets at efficient levels of service and availability, given age, condition of assets, and other factors (see FSM 1971.53(7) and FSM 1971.82).

4. *General administration cost studies.* Current levels of general administration costs need to be separated into fixed and variable portions as defined in FSM 1971.53(11).

1971.55—Costs in partial analyses. Partial analyses of producing individual outputs such as timber, recreation, or range (see FSM 1970.63) should allocate all costs (both separable and joint) among all primary benefits, and should recognize the opportunity costs if other outputs are being reduced.

1. *Allocating costs.* All existing cost allocation methods are arbitrary.

The preferred method is the "separable costs/remaining benefits" procedure recommended by the Water Resources Council (see FSM 1970.1(7)). However, the analysis document should explain that:

a. A particular output cannot be achieved individually at just the allocated costs but that the total cost of the alternative would be required.

b. Allocated costs assume the total alternative is implemented. If an alternative is changed in any way, the allocated costs may also change.

c. The reliability of allocated costs depends on many factors, but is notably poor when joint costs include a high proportion of total costs of the alternative.

Thus allocated costs should be used merely to compare alternatives and are not to be used as costs of particular output. In making unit cost analyses, one should give consideration to using sensitivity analyses (see FSM 1971.83) to determine unit costs instead of cost allocation.

2. *Opportunity costs.* The opportunity cost of producing an individual output is the present net value of the next best alternative that does not produce that output. Opportunity costs for outputs can only be calculated between alternatives or parts of alternatives that can be implemented by themselves.

The opportunity costs of alternatives are in effect considered when incremental differences are computed in comparing alternatives (see FSM 1970.8).

1971.6—Assessing Markets and Developing Output Values. Market assessments are to be a part of RPA planning processes. Regional planning efforts should assess the intraregional markets for each major output that has substantial differences in market structure or price within the region. Normally, market assessments are not necessary for individual projects or individual National Forest management plans.

1971.61—Purposes:

1. To furnish a basis for determining values.

2. To help set planning objectives and constraints.

3. To help delineate appropriate areas for estimating economic impacts.

1971.62—Components. An assessment should include:

1. *Description of outputs,* including the characteristics of the output, including physical description, grade and quality variations, measurement units and conventions, and involved production processes.

2. *Description of pricing processes,* including market price processes or the basis for determining fees, including whether the output is a merit good or a public good.

3. *Analysis and projection of demand,* including relationships between demand factors (including price) and expected consumption of an output.

RPA assessment demand analyses conducted at the national level (FSM 1970.41) should determine, to the extent practical, the long-term effects of growth in population and the economy, changes in technology, consumer preferences, and transportation systems. The analyses should quantify the differences among major consuming regions.

For market values, demand analysis should attempt to determine demand schedules by time period showing the long-term price-quantity relationship (price elasticity) of the output. For nonmarket values, price-quantity relationships or price elasticity should be determined to the extent practical on the same conceptual basis as market values.

Several methods may be used to determine price-quantity relationships. In selecting a method to use, one should weigh the increased accuracy of the more sophisticated methods against their higher cost and the more detailed information required.

In the subregional market assessments conducted cooperatively by Regional Foresters and Station and Area Directors, the value of outputs should be adapted to market and submarket areas by using appropriate submarket processing or transportation cost information. In some cases, supplemental statistical demand analyses may be warranted. Such optional analyses should use demand and value concepts that are compatible with the standards of output values identified by the Chief (see FSM 1971.64).

4. *Description of supplies from non-Forest Service sources.* Descriptions of supplies from non-Forest Service sources should indicate the current and projected future output levels, based on resource inventories, production statistics, and published policies of the sectors furnishing the supply.

1971.63—Outputs to be valued. Each RPA planning process shall include studies of demand and value patterns by regions. Regional price determination studies (see FSM 1970.42) should be made to determine output market clearing prices for market areas or subareas. In National Forest planning, market or submarket area prices should be used in analyzing projects or programs.

1. Values should only be determined for outputs that are sold or could potentially be sold if the law or Forest Service policy permitted. Situations for estimating values of current and future Forest Service outputs fall into four general cases:

a. Local active markets for the output as produced by the Forest Service exist.

b. Local active markets for the output do not exist but values can be estimated from market values for the output at a further stage of production or transport.

c. Local active markets do not exist for the output the Forest Service produces, but markets, even though perhaps weak, exist for similar outputs. This permits the estimation of values through comparison appraisals that recognize differences in quality and access.

d. No relevant markets for either similar or further processed outputs exist and values can only be imputed by analytical techniques that rely on user preferences or actions. This case includes outputs considered "public goods," such as visual resources and threatened or endangered species.

Planning reports and documents should recognize that all unit values, and especially future values, are only approximations of the worth of the outputs, and are used to assist in placing relative priorities on plan or project alternatives, along with numerous other criteria.

2. Providing that they fall into cases 1a, 1b, or 1c, above, the following outputs should be valued if produced:

a. Timber:
   Softwood Sawtimber Production
   Softwood Roundwood Production
   Hardwood Sawtimber Production
   Hardwood Roundwood Production
b. Range:
   Permitted Use by Livestock within Capacity
c. Recreation:
   Recreation Use
d. Water:
   Increased Water Yield
e. Wildlife and fish:
   Big Game User Days
   Small Game User Days
   Warm and Cool Water User Days
   Anadromous Fish Commercial Harvest
f. Minerals:
   Mineral Materials Sold
   Leasable Materials—Nonenergy
   Oil and Gas Production
   Coal Production
   Geothermal Production
   Uranium Production

Other outputs may be valued if their market situations are in cases 1a, 1b, or 1c above. Outputs whose market situations is in case 1d should not be valued in Forest Service planning actions.

1971.64—Standards for values. To ensure that values used in the Forest Service are comparable, the following guidelines apply:

1. For outputs used off-site, benefits should be based on values of outputs when they leave the land or production site. For outputs used onsite, benefits should be valued when use takes place. However, it may be easier to derive some values from values measured after the output leaves the production site. In such cases, costs incurred and profits earned after the output leaves the site should be deducted from values at later production or transport stages to determine values. Such derived or adjusted values of the incremental output are often called appraised prices if determined by cost adjustment or shadow prices if computed by mathematical programming.

2. Benefits shall be expressed in real dollars. The Chief will set the base year.

3. The basic procedure for estimating the unit value of a nonmarket benefit is to estimate the marginal value of the product (the price when the quantity sold, if a market existed, that would return the incremental unit cost of producing the output). Procedures for estimating and using nonmarket values are included in FSH 1909.17.

4. Values in intraregional market areas and subareas should be determined according to standards set by the Chief. Innovative procedures may be used in addition to standard ones. However, if values resulting from innovative procedures differ significantly from those of standard analyses, they must be approved by the Chief. Techniques used to estimate average regional and national values are discussed in FSH 1909.17 (forthcoming). If no intraregional market analyses have been made, values of the most recent RPA Program shall be used.

5. Documented and accepted methodology shall be used to project real value changes in benefits for appropriate time periods during which there will be significant change.

6. If quality of an output significantly affects value, unit price differentials should be estimated in market assessments.

7. For some merit goods, such as developed recreation and in some cases wildlife, administratively-set user fees are sometimes charged. Generally these are not market values.

8. Mineral and timber market values have major longterm increasing trends, yet have tended to fluctuate sharply within business cycles. This leads to uncertainty in future market values of these outputs. Substantial uncertainty in future value also exists for other resources such as recreation and wild life. Where future value uncertainty is a major issue in resource planning, sensitivity testing with alternate sets of values is encouraged (see FSM 1971.83).

1971.65—Use of demand and value information. In applying values to the schedule of outputs:

1. Forest and other local Forest Service plans shall use output values and rates of growth in demand established by regional market assessments unless special studies show these values and rates do not apply in local areas. In the absence of regionally determined values and rates, RPA values and rates should be used.

2. Forest and other local Forest Service plans shall assume, in the absence of contrary studies, that local prices in future periods will follow regional or national trends and that entry or loss of new firms, facilities, or users will occur gradually but continually on the basis of price and other factors.

3. For outputs with national and regional markets, local price-quantity relationships or elasticities used should be more elastic than regional or national relationships. Thus, significant local changes in future output values should not be assumed as a result of the alternative selected in current local Forest Service planning, unless local demand studies using valid procedures demonstrate otherwise. The local demand schedules are more elastic because substitution of other local and distant supplies is frequently possible. When local demand schedules are aggregated into regional and national demand schedules, such substitution is not as likely.

4. Long-term price-quantity relationships, if established according to approved procedures, shall be used to constrain the expansion of output. Regardless of the price-quantity

relationships assumed, long-term planning should not include investments that would expand outputs beyond amounts likely to be consumed. Beyond such levels, additional outputs have diminishing value.

5. If the activities in a plan change the quality of an output, the difference in unit values should be applied to all of the output affected.

1971.7—Computing Measures of Economic Efficiency. The primary measure of economic efficiency in Forest Service evaluations is present net value: Discounted benefits less discounted costs. Present net value includes relevant market and nonmarket values, and appropriate costs. Present net value should be computed for decision unit options as well as for alternatives. In making comparisons among each proposed alternative and the base alternative, marginal benefit-cost ratios and rates-of-return should also be computed if they contribute to the analysis (see FSM 1971.3).

In addition to the above measures of economic efficiency, short-term analyses for programming, budgeting, and facility design may use cost-effectiveness analyses (see FSM 1971.81).

While all economic analyses shall use real costs and benefits as of a base year established by the Chief, the actual costs used for budget development will be adjusted in accordance with program budget instructions for the current year.

1971.71—Discount rate. For evaluations of long-term investments and operations in land and resource management in the 1980–1985 planning period, a 4-percent real discount rate shall be used. Evaluations should also discount benefits and costs at the real discount rate used in the most recent RPA to determine the sensitivity of alternatives to variations in the discount rate.

In evaluating complex planning actions (see FSM 1970.62), the sensitivity analysis for the recommended alternative should reallocate decision inputs to production processes at both the 4 percent and RPA discount rates. For other alternatives, a recomputation of future costs and benefits will not require reallocation of resources, but merely discounting at both discounts rates.

For some evaluations of long-term investments, discount rates prescribed by other agencies must be used as well. Examples are the Water Resources Council rate for water development projects and the Department of Energy rate for certain energy conservation investments.

Short-term evaluations for facilities, equipment, and other short-term expenditures should follow Office of Management and Budget policy of using a 10-percent discount rate, as stated in Circulars A–94 and A–76 (see 1970.1).

None of the rates mentioned in this section include allowances for risks and uncertainty, which should be incorporated into the schedules of benefits and costs, as required by Office of Management and Budget Circular A–94.

1971.72—Discounting standards:

1. Discount schedules should use the time periods established in FSM 1910, 1920, and 1930 for the planning processes they require (see FSM 1971.41).

2. Normally, costs and benefits are assumed to occur as lump sums at the end of the year, as suggested by Office of Management and Budget Circular A–94.

3. Discounting computations shall use interest compounded annually. Benefits and costs occuring as a series of equal transactions over a period of years should be discounted as a series of payments.

4. The remaining value of resources or other assets at the end of the analytical time horizon, when they can be reasonably projected, shall be considered a residual benefit to be discounted from the end of the time horizon. Alternatively, flows of costs and benefits can be treated as infinite series.

1971.73—Using economic efficiency to optimize complex planning actions. One purpose of economic efficiency evaluations is to assure that the activities in each proposed alternative are the cost efficient way to achieve the objective of that alternative (see FSM 1970.2(3)). In complex planning actions (FSM 1970.62), a technique should be used to assure that the efficient combination of options for each decision unit is included to meet each alternative's objectives and constraints.

Various "optimization" techniques are appropriate in different situations:

1. If the decision units are mutually independent (such as types of conditions or owners in forestry assistance programs), capital budgeting techniques or ranking by a measure of economic efficiency (see FSM 1971.3) are adequate.

2. If the decision units are highly interdependent and the planning situation involves comparative advantages in producing multiple outputs, linear programming techniques are recommended. Simply ranking combinations of options usually will not suffice.

1971.8—Supplemental Procedures In Measuring Economic Efficiency:

1971.81—Least cost analyses. Evaluations seeking to determine the most effective means of attaining specified results may simply determine the relative costs of each alternative. Determining the value of the specified goal is not necessary.

1971.82—Least cost plus loss analysis. The most efficient alternative level of fire and pest protection or road and facility construction and maintenance is that alternative at which the cost plus loss levels are at a minimum. Losses are valued as the net negative change in future output and cost flows of resources and assets. The loss and cost values must often be determined through studies of the probability of occurrence.

1971.83—Sensitivity analyses. For economic efficiency measures to be accurate, decisionmakers must know the effects of changing the assumptions, objectives, or constraints of the evaluation. Sensitivity analysis may be used to systematically vary an assumption, objective, constraint, or values of selected costs or outputs, and then recompute the relevant responses, schedules of benefits and costs, and measures of economic efficiency.

1. Requirements for testing the sensitivity of discount rates are presented in FSM 1971.71.

2. Sensitivity of present net values to the effects of individual constraints should be estimated when it appears that constraints substantially reduce present net values. See FSH 1909.17 for suggested procedures.

3. Sensitivity testing is encouraged when indications are present of uncertain but not unlikely future discovery of subsurface minerals, major improvements in technology of extraction or processing, market demands, or catastrophic losses (see FSM 1971.3).

4. Requirements for another type of sensitivity anslysis, marginal analysis of level of production, are given in FSM 1910 and 1920. Such marginal analyses test whether the value of an additional or marginal unit of output is greater than the cost of producing that additional unit of output (see FSM 1970.8).

1971.84—Partial analyses. Comparisons of costs and returns, and especially unit costs, of producing individual outputs in a multiple-output plan, program, or production process are often desired. Partial analyses to make such comparisons should consider both direct and induced outputs (FSM 1970.63 and 1971.43), allocate all costs (FSM 1971.52), and include opportunity costs (FSM 1971.55).

1971.85—Comparative analysis. In resource planning actions, a comparsion should be made to assess the tradeoffs between monetarily valued outputs and nonvalued outputs and effects (see FSM 1971.63). The nonvalued outputs should be defined and described. In making comparisons in FSM 1970.8, the differences between alternatives should be presented for valued and nonvalued outputs.

1972—Economic Impact Analysis. Economic impact analyses seek to determine short-term effects (those occurring in the first 10 years) of continuing or changing Forest Service programs on the economic conditions in impact analysis areas in which the planning area occurs. These effects are measured in terms of income, population, and industry employment within the impact analysis area. The impact analysis helps identify those who are favorably or adversely affected by the Forest Service programs.

In recent years, the Forest Service has acquired the ability to make economic impact analyses using aggregated county data for local impact analysis areas, as well as for national and regional impact analysis areas.

Economic impact analysis for appropriate areas shall be included in the analysis of programs and activities which could have significant economic impacts and other activities as required by NEPA or OMB circular 116 (see FSM 1970.1).

1972.1—Purposes of Economic Impact Analysis. Together with other information, analyses of economic impacts assist decisionmaking by:

1. Describing potential economic impacts of alernatives identified in planning processes.

2. Identifying economic impacts and changes that should be addressed in formulating alternatives.

3. Providing the public and decisionmakers with quantified estimates of economic impacts so they can evaluate each alternative.

1972.2—Tasks in Analyzing Economic Impacts.

1. The basic tasks in measuring economic impacts are:

a. Identifying appropriate measures of economic impact so that issues, concerns, or opportunties can be analyzed.

b. Determining the impact analysis areas within which the planning area occurs, such as local, regional, national, international, or a combination of these areas (see FSM 1970.72).

c. Determining the economic structure of each impact analysis area and identifying those sectors (industries) that have economic activities resulting from outputs associated with Forest Service programs, and any sectors that may be brought in by Forest Service programs.

d. Obtaining information from primary and secondary sources for each impact analysis area to develop an economic prediction technique that will estimate measures of economic impact.

e. Computing the measures of economic impacts of each alternative.

f. Analyzing and displaying the measures of economic impact.

2. The standard approach in the Forest Service for assessing economic impacts is the input/output (I/O) procedure. This is described in Forest Service Handbook FSH 1909.17 (forthcoming).

3. For some National Forest Plans, I/O procedures may be unnecessary. With prior approval of the responsible official, a less intensive analysis using multipliers derived from studies of local areas with similar economies may be used if:

a. Market and nonmarket outputs do not have a significant impact on the local economy,

b. Employment impacts would likely be a small proportion of the base employment of the areas affected, and

c. Appropriate multipliers are available from previous studies.

On the other hand, I/0 procedures may be appropriate for major projects or programs that would significantly affect local economies.

1972.3—Measures of Economic Impact. Impacts upon the affected economy should be identified and estimated by changes in the following economic measures:

1. Employment, including a category of minority employment.

2. Income, including a category of low income workers.

3. Revenues and expenditures of State and local governments.

4. Work force, including categories of unemployed and underemployed.

5. Population, if emigration or immigration is caused by changes in the work force.

In quantifying these measures, emphasis should be given to differences between alternatives proposing program changes and base alternatives. If quantification of some measures is impractical, a narrative description may suffice.

1972.31—Time periods to be measured. For RPA and National Forest analyses using the I/O procedure, estimates of impacts will be made for at least the 5th and the 10th year of the planning period. For 10th year analyses, the multipliers must be adjusted to account for any real price changes or input productivity changes. For plans with substantial economic impacts, estimates of continuing impacts are to be make to the end of the time horizion, but with less detail.

In analyses for other planning actions, the time at which the impacts are projected should be appropriate to the likely extent and timing of economic activity generated by alternative plan implementation.

1972.4—Scope of Economic Impact Analysis. Assessments of economic impact should include direct, indirect, and induced effects on each measure of economic impact (see FSM 1972.3). These measures are designed to link Forest Service activities to national issues, concerns, and opportunities. Additional measures of economic impacts may be necessary to relate to local issues, concerns, or opportunities.

1972.41—Comparison areas. Use of the comparison area technique may be desirable if the proposed Forest Service activities may cause large changes in existing industries or new industries to enter. Examples of activities that might cause such structural changes are development of a ski area where none exists now or a large mine where there are none or only small ones. The comparison area technique identifies a similar area where an action similar to the one proposed has already taken place. Changes in the impact analysis area may be similar to those experienced in the comparison area.

1972.5—Information Required for Measuring Economic Impacts. The information required to relate Forest Service outputs and inputs to measures of economic impacts may include the following types:

1972.51—For input/output analysis:

1. *Expenditures.* Market transaction costs that represent the expenditures to buy or sell forest and related products, to participate in onsite uses, and to manage assets should be identified. The expenditures should be measured in current year dollars for the model's base year. Expenditure data differ from the market and nonmarket values for resource outputs used in economic efficiency evaluations (FSM 1971.64), since these expenditures become sales by sectors or industries in the area. Care should be taken to ensure that all data are consistent with the area being analyzed.

a. For market outputs, the expenditures should be valued at the sale price when the product or service is sold to the final consumer or exported out of the impact analysis area.

b. For nonmarket outputs, the expenditures and user incurs within the

impact analysis area being studied should be used.

c. Forest Service expenditures and relevant expenditures from other public agencies associated with the plan should be separated into capital investments and operating and maintenance costs.

2. *Complete tables of regional input/output (I/O) accounts.* The data and procedures required to prepare I/O accounts are available from the Land Management Planning staff for any impact analysis area of the country. The data, with a base year of 1977, permit analysis of any county or aggregation of counties within the United States. Information in these tables includes final demands, final payments, and inter-industry transactions. These data come from secondary sources and may be adjusted with local survey information.

3. *Direct employment and income coefficients.* These coefficients recognize that industries must employ workers and in turn generate income when producing goods and services purchased by consumers and users of forest resources. The analysis should develop, per dollar of sale:

a. Required employment by occupation and industry in persons employed or person-years, and

b. Income generated to the households in the impact analysis area by each industry.

4. *Work force and population coefficients.* The number of persons unemployed or underemployed in excess of those normally changing jobs should be determined by occupation from State Employment Security statistics if work force levels are expected to change. The average family size by occupation group should also be obtained from the most recently published U.S. Census of Population.

1972.52—For other analyses:

1. *Expenditure.* (See 1972.51).

2. *Direct and indirect output multipliers.* For analyses not using the full I/O procedure, appropriate multipliers by industry should be adopted from comparison areas.

1972.6—Structural Change and Labor Productivity Trends. If conditions warrant, the analysis of economic impacts may assume a significant change in size of economy and industry structure.

1972.61—New industries. If an alternative will lead to establishment of a new industry or a major expansion of a small industry (including construction industries) in the areas' economy, the future structure of the economy should include that industry. Regional or national table entries should be used for estimates of transactions, employment, and income coefficients.

Since the demand for construction of new or expanded resource extraction industries may decrease over time, the analysis should estimate levels of construction and resource extraction and processing activity for each time point analyzed.

1972.62—Labor productivity change. Since labor productivity in most industries and areas has been changing significantly over the long periods of time used in Forest Service planning, the analyses should recognize this likelihood in either of two ways:

1. State that constant productivity is assumed and that the estimates of impacts are likely to incorrectly estimate changes.

2. Incorporate explicit trends in productivity. This requires use of new or existing productivity projections by individual industry or by groups of industries processing forest outputs, determined with Census of Manufacturing data analysis, and consistent with RPA estimates. These trends should be entered in employment coefficients and not in the table of transactions. This method is required for I/O analyses 10 years or more in the future (see FSM 1972.31).

Changes in income coefficients are not usually required since historically the relationship of income generated to primary benefits has been relatively constant.

1972.7—Computation of Measures of Economic Impacts. Each measure of economic impact (see FSM 1972.3) should be calculated and displayed in each of three components:

1. Direct impacts that are derived from industries or individuals that deal directly with forest products or forest users.

2. Indirect impacts that come from supporting industries selling goods and services to directly impacted industries. These goods and services are required inputs in their production processes.

3. Induced impacts that result from employees and owners of directly and indirectly impacted industries spending their income within the analysis area.

Calculation of these impacts requires an I/O model or appropriate multipliers which show the ratio of the sum of direct, indirect, and induced output to the direct output.

1973—Social Impact Analysis. Social impact analysis in the Forest Service is the estimation of how Forest Service policies and actions affect the quality of life or social well-being. The primary goal is to help managers take into account social concerns in making decisions. (See FSM 1900, 1950, and 1970)

Social impact analysis shall be initiated only if the potential social effects of Forest Service policies or actions are determined to be important to the decisions.

1973.1—Purposes of Social Impact Analysis. Social analysis helps decision-making by:

1. Identifying social impacts and changes that should be recognized in developing alternatives.

2. Describing the projected social impacts of alternatives so that decisionmakers can make informed decisions.

3. Providing public and civic officials with quantified and descriptive measures of impacts so that may plan any appropriate measures to adapt to the projected changes.

1973.2—Tasks in Social Impact Analysis. Social impact analysis is accomplished by projection future social conditions in an area influenced by Forest Service actions if current management were unchanged, then comparing this projection with conditions likely to occur as a result of implementing management alternatives. The process includes four stages:

1. A preliminary investigation to identify issues, select variables for analysis, and determine analysis areas.

2. Describing and analyzing present social conditions and their historial context as a departure point for projecting social effects.

3. Estimating changes in social conditions resulting from alternative Forest Service actions.

4. Comparing the social effects of the alternative.

Items one and two may be reported in social overview, an unpublished document serving as repository for the information and analyses. Items three and four may be reported in a social effects section of the environmental impact statement or environmental assessment, or incorporated in the discussion of other environmental effects.

1973.21—Preliminary investigation. The purpose of this task is to become familiar with the general region of impacts. It will facilitate selection of the social variables to be used, determine types of data needed and available, and delineate the appropriate impact areas and subareas.

This investigation should include contacts with leaders and other knowledgeable people in the area about issues and trends and data sources, and review of relevant publications. Public involvement information may be used as

a source of preliminary data about community issues and trends.

1973.3—Selection of Variables. Direct and indirect social effects of Forest Service policies and activities may reach almost any part of the area's social life. Therefore, the following major categories of social life effects should be examined to ensure adequate and systematic consideration of variables for measuring, projecting, and comparing the social effects of management alternatives.

1. *Lifestyles.* Lifestyles are the characteristic ways different segments of a population live. Lifestyle variables include work (employment) and leisure activities and relationships with family, friends, and others. Effects of Forest Service activities on lifestyles will depend on the nature of the people's ties to a National Forest or Agency practice.

2. *Attitudes, beliefs, and values.* Attitudes, beliefs, and values are reflected in peoples' likes, dislikes, perceptions, hopes, aspirations, and fears. Changes in Forest Service policy may result in practices that affect people's feelings about and understandings of the forest.

A major component of people's perceptions is their sense of freedom and self-sufficiency. Among the effects that should be evaluated are changes in perceived control by outside interests (governments, industries, and other interest groups), perceived capability of local governments to meet local needs, and people's sense of whether they can meet their subsistence needs (food, fuel, and shelter) by their own direct knowledge and efforts.

Another component of people's perceptions is their feeling of certainty or uncertainty about the future. These feelings may be related to the rate of change likely to occur in an area as a result of Forest Service management and the predictability of consequences of the changes.

Distinctive perceptions characterize different social groups according to such factors as occupation and social position. Since Forest Service policies may have different implications for such groups, identification and analyses of subcultural values may be an important part of the analysis.

3. *Social organization.* Social organization is the way society and its subunits are structured. Major components to be considered for analysis are: institutions, community cohesion, and community stability.

Social institutions are the systems of customary practices people have developed in a community or society to survive and prosper. Social institutions include the family, the economy, work, leisure/recreation, government and politics, education, and religion.

Community cohesion is the degree of unity and cooperation exhibited by various segments of a community toward realizing certain shared goals or their approach to certain problems.

Community stability is the rate of change with which people can cope without exceeding their capacity to deal with it. The rate of social change and the institutional structure of a community are key variables in the analysis of the effects of Forest Service actions.

Social stability and economic stability are not necessarily the same, but both relate to community stability. Economic stability might be retained through full employment; but if there is a rapid change in the composition of the employment (for example, jobs taken by newcomers to the community with different cultural backgrounds), social instability might result. Yet stability is not stagnation. Stable communities are usually going through relatively gradual and constant changes, and the people are able to adapt to new conditions.

4. *Population and land use.* An area's population characteristics, distribution, growth rate, and density may be affected by Forest Service policy and practices. Also affected might be residential, agricultural, and industrial land uses.

1973.31—Civil rights and minority populations. Social analysis must specifically consider the effects on civil rights and minority populations.

1973.32—Standards of variable selection and measurement. Selection of variables and methods of measurement should be guided by the following criteria:

1. *Relevancy.* The variable actually relates to Forest Service policy and practices being considered.

2. *Significance.* The variable affected by Forest Service practices is important in terms of its impact on people.

Relevancy and significance are the most important criteria and are overriding factors in the variable selection process.

3. *Sensitivity.* The measure of the variable clearly registers changes caused by Forest Service practices.

4. *Availability.* Data are available with which to measure the variable.

5. *Reliability.* The measure yields consistent results.

6. *Validity.* The measure truly represents the variable.

7. *Efficiency.* The variable and its measure reduce the need for other variables and measures.

Refer to 40 CFR 1502.22 when data are incomplete or unavailable.

1973.4—Determination of Impact Analysis Areas. Impact analysis areas are established by determining which locations are likely to be affected by Forest Service decisions and where most of the social effects of a proposed action are expected to occur. These may be administrative/political units or cultural/geographical units. Several areas may be influenced when programs concern a variety of resources. For example, timber production and water-use on a forest might influence a three-county area, and the opening of a recreational facility might influence a six-county area. Analysis should not be based solely on products or use patterns, since Forest Service actions may have other important effects. For example, counties that contain National Forest land are affected by changes in National Forest System receipts or limitations on the amount of forest land that can be managed for multiple use.

Areas delineated for social and economic analysis should coincide for a given planning action, unless there are substantial reasons to use different areas (see FSM 1970.72).

1973.41—Selection of impact analysis subareas. Forest Service actions may affect people in the analysis area differently, depending on their geographic location, cultural/geographic characteristics, and ties to Forest Service activities. Accordingly, subareas may be delineated that, in the judgment of the responsible official, most closely correspond to such differences. The boundaries of these areas may be drawn in terms of administration of political units (for example, ranger districts, counties), cultural/geographical units (which often coincide with economic and administrative/political units), and noncontiguous communities characterized by their ties to Forest Service activities (for example, commodity, recreation, amenity, and symbolic ties).

The size of the subareas should be appropriate to the level of analysis. For project-level actions, the subareas should be local (one of several communities or other cultural/geographical units). For regional planning, the boundaries should include larger subdivisions (ranger districts, larger cultural/geographical areas, States).

Subareas shall not be classified exclusively on the basis of the locations of specific interest groups, since they are not always representative of the affected environment.

1973.5—Analysis of the Current Situation. The social characteristics and history of the analysis area should be

described as a point of departure for estimating effects of management alternatives. Appropriate data sources of the following types should be consulted:

1. *Available statistical data.* Includes U.S. Census Bureau reports and other data compiled by Federal, State, and local government agencies, as well as by private organizations.

2. *Written social data.* Includes letters to editors, newspaper articles, written testimonies, histories, graduate theses, annual reports, and research studies pertaining to the local area.

3. *Observation and respondent contact data.* Includes talking and participating with people in the area in their work, leisure, and other social settings and systematically observing variables selected on the basis of the preliminary investigation and any other relevant and significant variables that may emerge.

4. *Survey data.* Includes survey methods where interviews or mailed questionnaires are systematically administered. This method is contingent on Office of Management and Budget approval (see (FSM 1374.1) and cannot be used without strong justification. Preliminary investigation must precede the survey to validate the selection of questions and the variables the questions represent.

5. *Public participation data.* Includes gathered during the public participation process. Data may be in any of the above forms.

6. *Forest Service personnel.* District Rangers and their staff, research project leaders and their staff, and State and Private Forestry field representatives are a source of descriptive data for communities within which they live and work.

1973.51—Social overview. A social overview should be developed from the findings of the preliminary investigation for decisions having potentially important social effects. This document is a source of information for analyzing the management situation. The overview contains an interpretation of data on social issues and trends and will serve as an information source for the decision process prior to the estimation and comparison of effects.

1. *Overview components.* The overview should include:

a. A description of historic trends and current conditions.

b. An analysis of significant subcultural values existing in the analysis area and the relationship of these values to Forest Service actions.

c. A description of the social and economic linkage between the Forest Service policy or activity and the analysis area. For example, the role of a forest relative to other sources of commodities, amenities, and experiences should be noted.

d. Maps depicting areas of influence (and county land-use zones) and a narrative description of the principal economic, social, and cultural ties between the Forest Service area or activity and the people who use and enjoy it. The uniqueness of these ties and the implications of preserving, enhancing, or weakening them should also be discussed.

e. A plan for the analysis of social effects, including variables to be used, and definitions or interpretations of key variables and their sources.

f. Documentation, including data sources and a discussion of assumptions underlying the analyses and projections.

g. Discussion of data reliability, inconsistency, or gaps which might affect the analysis or projections.

2. *Overview when data are incomplete.* The social overview will be based primarily on existing data, except in unusual cases of gaps in essential information (40 CFR 1502.22). Since data are sometimes inconsistent from year to year and place to place, comparability problems exist with data from different jurisdictions and years. Projections vary according to method and entity creating the data. Accordingly:

a. Show the range of estimates and data and document the sources; or

b. Select the estimates, or data, judged as most realistic or accurate, and cite the other estimates.

1973.6—Estimation of Effects. In this step, the interdisciplinary team member should estimate the effects that would result from alternative Forest Service actions. Included shall be an analysis of the social effects of the base alternative that continues current policies and practices to serve as the base for comparing the effects among other management alternatives (see FSH 1909.15).

A variety of techniques and perspectives is available for estimating effects. No technique should be singled out as preferred, since selection depends on the training and background of those doing the analysis, availability of data, resources, management situation, and the significance of the decision. Refer to Social Impact Analysis Handbook (forthcoming) for guidance.

Relevant and accepted social impact analysis methods should be used, guided by a review of pertinent literature. Forest Service social scientists who have researched and written on the subject should be consulted. For complex situations, sociologists and others outside the Forest Service who are authorities on the subject may be consulted. Information from other agencies directly related to Forest Service concerns, such as the Bureau of Land Management and Corps of Engineers, may be available, because they also have been developing methods and data bases.

1973.7—Comparison, Display, and Reporting of Social Effects. The evaluation criteria shall serve as a guide to this stage of the social analysis.

A narrative description of various alternatives should be written and supplemented by quantitative information (for example, number of jobs in wood products industry, percentage increase in school age populations, and percent of economy based on transfer payments). Social measures should be included in the matrix of economic and social measures for each alternative (see FSM 1970.8).

The results of the social impact analysis are normally documented in an environmental assessment or environmental impact statement. Only the important social effects will be included. When appropriate, social overviews and other social impact analysis reports may be incorporated by reference (see 40 CFR 1502.21) in environmental assessments and environmental impact statements to avoid duplication and reduce paperwork.

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Part IV

Federal Emergency Management Agency

Disaster Assistance: Reorganization and Revision of Regulations; Formats for Requests and Processing for Declarations of Emergency or Major Disaster

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. FEMA-DR 205]

Disaster Assistance: Reorganization and Revision of Regulations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: The Federal Emergency Management Agency proposes the adoption of this regulation as 44 CFR Part 205, Subpart C, The Declaration Process. The material in this subpart pertains to Governors' requests for declarations of major disasters or emergencies, the processing of these requests, declarations by the President, activities of Federal Coordinating Officers, the designation of areas eligible for assistance and the type of assistance to be provided, FEMA–State Agreements, and other information. The Federal Emergency Management Agency is soliciting public comments on this proposed rule.

COMMENTS BY: June 25, 1982.

Send Comments To:
Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Office of Disaster Assistance Programs (SL–DA), Directorate of State and Local Programs and Support (SLPS), Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 287–0501.

SUPPLEMENTARY INFORMATION: This proposed rule in large part reestablishes existing regulations of the Federal Emergency Management Agency currently located at 44 CFR Part 205. However, proposed Subpart C will clarify a number of issues which are not addressed in the existing regulations.

Suggested formats for use by Governors in requesting major disaster and emergency declarations are being published in the **Federal Register**. While States are not required to use these formats, certain information is required by statute and must be a part of each request. This required information is identified on these formats and is listed in proposed §§ 205.33 and 205.34.

Proposed §§ 205.36 and 205.37 address the process by which Presidential declarations are made and notifications of such determinations are conveyed to Governors.

The proposed rule would eliminate the requirement for continuing agreements for emergencies and a separate FEMA-State Agreement will then be required for each declaration of an emergency.

Proposed § 205.39 incorporates existing regulations at 44 CFR 205.27 and 205.44, dealing with Federal-State Agreements. The proposed rule would change the title of these Agreements from "Federal-State Agreement" to "FEMA-State Agreement". Proposed § 205.39 also requires the inclusion in FEMA-State Agreements of language dealing with hazard mitigation activities which must be performed as condition for any Federal loan or grant. In addition, proposed § 205.39 mandates that FEMA-State Agreements contain a provision indicating that the State must take steps to ensure that insurance companies make full payments on insurance claims of affected parties in disaster and emergency affected areas and to ensure that recipients of supplementary Federal assistance are aware of their responsibility to repay the Federal Government for any Federal assistance which is duplicated by insurance recoveries. Finally, proposed § 205.39 requires FEMA-State Agreements to indicate the need for action to seek recovery of funds which are expended in alleviating the damages and suffering caused by any declared emergency or major disaster against any party whose acts or omissions may any way have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to a Presidential declaration of emergency or major disaster.

Proposed § 205.40 describes the Associate Director's authority to make determinations concerning which areas are eligible for supplementary Federal assistance and what types of assistance authorized by the Disaster Relief Act of 1974, Pub. L. 93–288, will be provided in any declared emergency or major disaster. The proposed rule states that once a declaration of emergency or major disaster has been made by the President, the SLPS Associate Director will designate which areas are eligible for supplementary Federal assistance and what types of assistance those areas are eligible to receive. For example, a Governor may request that ten counties be designated eligible for disaster assistance. The Associate Director may designate only seven counties or parts of counties as eligible for assistance. In addition, the Associate Director may designate four of the counties for both Public Assistance and Individual Assistance, while the remaining three counties may be designated as eligible only for Individual Assistance. Or the Associate Director may designate a county as eligible for only certain types of Individual Assistance, rather than for the full range of Individual Assistance authorities under Pub. L. 93–288. If desired, the Governor or his authorized representative may request reconsideration of any county not designated, but additional justification or information to support such requests shall also be submitted.

Proposed § 205.41 in large part incorporates existing regulations at 44 CFR 205.26 and 205.43. However, in addition, proposed § 205.41 describes the time period for which Federal emergency assistance will be made available.

Interested parties and government agencies are encouraged to submit written comments, data, or arguments regarding this rulemaking to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. All submissions received on or before June 25, 1982, will be evaluated. All comments will be available for inspection at the Office of the Rules Docket Clerk. The adoption by the Federal Emergency Management Agency of Subpart C, The Declaration Process, is a procedural administrative action which supports normal day to day operations within the Federal Emergency Management Agency. Therefore, it has been determined pursuant to 44 CFR 10.8(c)(2)(viii) that implementation of Subpart C does not require an environmental impact statement or an environmental assessment.

Pursuant to the provisions of 5 U.S.C. 605(b) and to delegations of authority in Part 1 of this title, it is hereby certified that this regulation, if promulgated, will not have a significant impact on a substantial number of small entities. The regulations deal with procedures by which Governors of States apply for declarations of emergency or major disaster by the President. Such declarations trigger the furnishing of certain supplemental Federal assistance. The regulations do not impose any requirements on small entities.

List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs—housing and community development.

Accordingly, it is proposed: (1) To add a new Subpart C to Subchapter D, Part 205, of Title 44; (2) to change the heading for Subpart D to "Individual Assistance"; (3) to recodify in Subpart D current §§ 205.45 through 205.47 and §§ 205.49 through 205.51 as follows: (a) Current § 205.45 will become § 205.52;

(b) current § 205.46 will become § 205.58; (c) current § 205.47 will become § 205.53; (d) current § 205.49 will become § 205.56; (e) current § 205.50 will become § 205.57; and (f) current § 205.51 will become § 205.59; (4) to remove §§ 205.39 through 205.44 of the current regulations; (5) to remove §§ 205.17 and 205.18 of the current regulations; (6) to renumber § 205.28 of the current regulations as § 205.17; and (7) to remove current Subpart B, entitled "Emergencies," and to reserve Subpart B.

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

* * * * *

Subpart C—The Declaration Process

Sec.

205.30 Purpose.
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Subpart C—The Declaration Process

§ 205.30 Purpose.

The purpose of this subpart is to describe the process leading to a Presidential declaration of a major disaster or an emergency and the actions triggered by such a declaration.

§ 205.31 Definitions.

All definitions listed in § 205.2 apply. In addition, the following definitions apply:

(a) *Associate Director.* The Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

(b) *Commitment.* Certification by the Governor in support of his request for a declaration of a major disaster or emergency, pledging for the current major disaster or emergency, State and local government obligations and expenditures, which are disaster-related, extraordinary, and unforeseen (of which the State's pledges must be a significant proportion), and stating that such obligations and expenditures, identified as nonreimbursable by Federal funds, are a reasonable amount of funds of such State and local governments for alleviating the damage, loss, hardship or suffering resulting from such major disaster or emergency.

(c) *Emergency support team.* Organized group of program and support personnel established by the Regional Director or the Associate Director to be deployed in an area affected by a major disaster or emergency to provide disaster assistance, such as technical advice and assistance.

(d) *FEMA-State agreements.* A formal legal document stating the understandings, commitments, and binding conditions for assistance applicable as the result of the major disaster or emergency declared by the President.

(e) *Incident.* Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe which causes damage or hardship that may result in a Presidential declaration of a major disaster or an emergency.

(f) *Incident period.* As determined at the discretion of the Associate Director, the time interval stated in the FEMA-State Agreement during which damages, hardship and suffering occur for which supplemental Federal disaster assistance is eligible. The incident period for emergencies starts at 12:01 a.m. on the date of the emergency declaration by the President unless otherwise specified in the declaration document.

(g) *Individual assistance.* Supplementary Federal Assistance provided under Pub. L. 93-288 to individuals and families adversely affected by a major disaster or an emergency. Such assistance may be provided directed by the Federal Government or through State or local governments or disaster relief organizations. For further information, see Subpart D of these regulations.

(h) *Mission assignment.* Work order or request for performance of work issued by the Regional Director, Associate Director or Director to a Federal agency directing completion by that Agency of specified tasks and citing funding and other managerial controls or guidance.

(i) *Public assistance.* Supplementary Federal assistance provided under Pub. L. 93-288 to State and local governments or certain private, non-profit organizations other than assistance for the direct benefit of individuals and families. For further information, see Subpart E of these regulations.

(j) *Significant.* As it relates to the State proportion of a commitment, in support of the Governor's request for a declaration of a major disaster or emergency, means substantial.

§ 205.32 Policy.

(a) It is the policy of the Federal Emergency Management Agency (FEMA) to provide an orderly and continuing means of assistance by the Federal Government to supplement the efforts of the State and local governments in carrying out their responsibilities to alleviate the suffering and damage that result from major disasters and emergencies.

(b) The policies listed in § 205.3 apply. It is also the policy of FEMA in approving disaster assistance, to encourage States and local governments to seek permanent solutions to problems in areas which are disaster-prone from sources other than the President's Disaster Relief Fund.

§ 205.33 Requests for major disaster declarations.

(a) When a catastrophe occurs in a State, the Governor may request that the President declare a major disaster for the State upon the Governor's finding that:

(1) The situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments including assistance from other Federal agencies under their statutory authorities and from volunteer agencies or individuals; and

(2) Federal assistance under the Act is necessary to supplement the efforts and available resources of the State, local governments, and disaster relief organizations.

(b) Only the Governor of a State, or the Acting Governor in his absence, may request a major disaster declaration. The governor should submit the request to the President through the appropriate Regional Director to ensure prompt acknowledgment and processing. Use of the formats suggested by the Associate Director for such requests will assure coverage of essential information and should avoid delays in processing. These suggested formats shall be published by the Associate Director in the **Federal Register** for comment and shall be updated as necessary based on such comments and experiences in processing current requests.

(c) The request shall include:

(1) Confirmation that the Governor has taken appropriate action under State law and has directed the execution of the State emergency plan;

(2) An estimate of the amount and severity of damages and losses stating

the impact of the disaster on the public and private sector;

(3) Information describing the extent and nature of State and local resources which have been or will be used to alleviate conditions of the disaster, stating specifically those activities for which no Federal funding will be requested;

(4) Preliminary estimates of the types and amount of Federal disaster assistance needed under the Act; and

(5) Certification by the Governor that State and local government obligations and expenditures for the disaster (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of funds for alleviating the damage, loss, hardship or suffering resulting from such disaster. The required certification of the State and local government commitments must be documented by filling out the "commitments" section of the formats referred to in paragraph (b) of this section.

§ 205.34 Requests for emergency declarations.

(a) When a catastrophe occurs or threatens to occur in a State, the Governor may request that the President declare an emergency upon the Governor's finding that the situation:

(1) Is of such severity and magnitude that effective response is beyond the capability of the State and the affected local government(s); and

(2) Requires supplementary Federal emergency assistance to save lives and protect property, health and safety, or to avert or lessen the threat of a disaster and which can be more readily provided by the Federal Government because of the pressures of time or the unique capabilities of the Federal Government.

(b) Only the Governor of a State, or the Acting Governor in his absence, may request that the President declare an emergency. The Governor shall submit the request to the President through the appropriate Regional Director to ensure prompt acknowledgment and processing. Use of the formats suggested by FEMA for such requests will assure coverage of essential information and should avoid delays in processing. Refer to § 205.33(b) for additional information.

(c) The request shall include:

(1) Information describing the State and local efforts and resources which have been or will be used to alleviate the emergency, including those for which no federal funding will be requested;

(2) Identification of the particular type and specific extent of Federal aid required, and of any proposed cost sharing; and

(3) An assessment by the Governor that the capabilities and resources of the State and local government(s) have been or are being fully committed to cope with the catastrophe. Such capabilities and resources need not be exhausted, but State and local government efforts, as deemed appropriate by FEMA, are necessary before FEMA emergency assistance can be authorized.

(d) For incidents arising from heavy snow or blizzard conditions, additional information for the affected areas may be submitted by the Governor, or the State Coordinating Officer, in support of the request for a Presidential declaration, such as:

(1) General weather situation present and forecast, including storm duration, snowfall, wind velocities, temperatures, drifts, and depth of snow on ground before the storm.

(2) Current situation report identifying critical cities and counties; reporting on public health and safety and disruptions of traffic and communications.

(3) Summary of State responses, such as declaration of an emergency, execution of the State emergency plan, emergency operations by State police or National Guard, and narrative description of snow removal operations by the State Highway Department or other State agencies. Report numbers and types of equipment working.

(4) Summary of local responses for each affected county or city over 25,000 population, such as, search and rescue, traffic control, emergency communications and description of snow removal operations. Report numbers and types of equipment working.

§ 205.35 Processing requests for declarations of a major disaster or emergency.

(a) The Regional Director shall provide written acknowledgment of the Governor's request. Based on a FEMA investigation, which may include damage assessments of the affected area(s) and consultations with appropriate State and Federal officials and other interested parties, the Regional Director shall promptly submit a report and a recommendation to the FEMA Director through the Associate Director.

(b) The Director shall forward the Governor's request together with a report and a recommendation to the President.

§ 205.36 Presidential determination.

(a) Based on the Governor's request for a major disaster and the Director's report and recommendation, the President may declare that a major disaster exists, or that an emergency exists.

(b) Based on the Governor's request for an emergency and the Director's report and recommendation, the President may declare that an emergency exists.

§ 205.37 Notification.

(a) The Governor will be promptly notified of a declaration by the President that an emergency or a major disaster exists. FEMA also will notify other Federal agencies and other interested parties.

(b) The Governor will be promptly notified by the Director or his designate of a determination that the Governor's request does not justify the use of the authorities of Pub. L. 93–288.

§ 205.38 Appeal.

When a request for a major disaster declaration or for an emergency declaration is denied, the Governor may appeal the decision within 30 days after the date of the letter denying the request. This request for reconsideration, along with appropriate additional information, is submitted to the President through the appropriate Regional Director. The processing of this request is similar to the initial request.

§ 205.39 FEMA-State agreements.

(a) *General.* The FEMA-State Agreement states the understandings, commitments, and conditions for assistance under which FEMA disaster assistance shall be provided. This Agreement imposes binding obligations on States and their local governments in the form of conditions for assistance which are legally enforceable. However, such conditions may be modified by a properly executed amendment to the FEMA-State Agreement. No FEMA funding may be authorized or provided to any grantees or other recipients, or by mission assignment, until such time as this Agreement for the Presidential declaration has been signed and is fully in effect.

(b) *Major disasters.* Upon the declaration of a major disaster, the Governor, acting for the State, and the FEMA Regional Director or his designee, acting for the Federal Government, shall execute a FEMA-State Agreement. This Agreement describes the incident period for which assistance will be made available, the type and extent of the Federal assistance to be made available, and contains the commitment of the State and local government(s) with respect to the amount of the funds to be expended in alleviating damage and suffering caused by the major disaster.

The Agreement also contains such other terms and conditions consistent with the declaration and the provisions of applicable laws, Executive orders and regulations. The Governor's Authorized Representative and the Regional Director or his designee may execute subsequent amendments to the Agreement for the same major disaster.

(c) *Emergencies.* Upon the declaration of an emergency, the Governor, acting for the State, and the FEMA Regional Director or his designee, acting for the Federal Government, shall execute a FEMA-State Agreement. This Agreement contains the necessary terms and conditions consistent with the declaration and the provisions of applicable laws, Executive orders and regulations. This Agreement specifies the beginning and the end of the incident period, identifies the type and extent of Federal assistance, and includes any details unique to the current emergency. The Governor's Authorized Representative and the Regional Director or his designee may execute subsequent amendments to the Agreement for the same emergency. The Federal assistance specified in the Agreement or an amendment is the only assistance eligible for Federal funding or reimbursement under Pub. L. 93–288, as amended.

(d) *Transfer of funds.* In the event that funds are to be transferred to a State for disaster relief purposes, the FEMA-State Agreement shall contain, and the State and its political subdivisions shall agree to, the following conditions for assistance:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement, or applicable Federal regulations, the Associate Director may notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected; *Provided, however,* That if the Association Director, after such notice to the State, is not satisfied with the corrective measures taken to comply with that notification, the Associate Director will notify the State that further financial assistance will be withheld for that project or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of the Agreement, applicable Federal regulations, and the Act.

(e) *Other conditions for assistance.* All FEMA-State Agreements shall also contain the following:

(1) The State agrees, on its behalf and on behalf of its political subdivisions and other recipients of Federal disaster assistance, to cooperate with the Federal government in seeking recovery of funds which are expended in alleviating the damages and suffering caused by any declared emergency or major disaster against any party or parties whose acts or omissions may in any way have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to a Presidential declaration of emergency or major disaster.

(2) The State will establish and maintain an active State program of non-discrimination in disaster assistance, outlined in 44 CFR 205.16. This program will encompass all State and local government actions pursuant to this Agreement.

(3) The State will establish and maintain a program to assure that State and local government recipients of FEMA disaster assistance comply with the applicable Consolidated List of Debarred, Suspended and Ineligible Contractors. This program also will encompass all State and local contracts pursuant to this Agreement.

(4) No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this Agreement, or to any benefit to arise thereupon; provided, however, that this provision shall not be construed to extend to any contract made with a corporation for its general benefit.

(f) *Typical conditions for assistance.* As determined necessary by the Associate Director, certain typical conditions for assistance may be included in the FEMA-State Agreement. However, some changes in wording may be made to fit the current major disaster or emergency. These conditions for assistance are:

(1) The State agrees that, as a condition for any Federal loan or grant, the State or the applicant shall evaluate the natural hazards in the areas in which the proceeds of the grants or loans are to be used and shall make appropriate recommendations to mitigate such hazards for Federally-assisted projects. The State further agrees:

(i) To follow up with the applicants, within State capabilities, to assure that, as a condition for any grant or loan under the Act, appropriate hazard mitigation actions are taken;

(ii) To prepare and submit, not later than 180 days after the declaration, to the Regional Director for concurrence, a hazard mitigation plan or plans for the FEMA designated areas; and

(iii) To review and update as necessary disaster mitigation portions of the emergency plans.

The Regional Director agrees to make Federal technical advice and assistance available to support the planning efforts and actions.

(2) The Governor shall establish, through the State agency responsible for regulation of the insurance industry, adequate measures to ensure that insurance companies make full payment of insurance benefits to disaster victims. The State also shall take all responsible steps to ensure that disaster victims are aware of procedures for filing insurance claims, are informed of any State procedures instituted for assisting insured disaster victims, and are aware of their responsibility to repay government assistance which is duplicated by insurance proceeds.

(3) The mandatory FEMA–State Agreement language at § 205.39(e)(1) shall, when determined necessary by the Regional Director, address any of the following issues which the Regional Director deems appropriate: the need for the State to pursue recoveries against responsible parties; reimbursement to the Federal government from any recoveries from responsible parties; review by the Federal government of proposed settlements between the State, its political subdivisions, or other recipients of Federal disaster assistance and any responsible parties; assignment to the Federal government of any rights of recovery which the State, its political subdivisions, or any other recipients of Federal disaster assistance might have against any responsible parties; intervention by the United States in any action instituted by the State, its political subdivisions, or any other recipients of Federal disaster assistance against any responsible parties; and other related issues.

(4) Since Federal operational and financial responsibility for temporary housing assistance will not exceed eighteen (18) months from the date of the declaration by the President, the State agrees to accept such responsibility upon expiration of the Federal responsibility.

§ 205.40 Designation of affected areas and eligible assistance.

(a) After a declaration by the President, the Associate Director shall designate the disaster-affected areas eligible for supplementary Federal assistance under Pub. L. 93–288 and shall publish these designations in the **Federal Register.** Unless specifically limited in the declaration documents, the Associate Director shall also determine and designate the types of assistance to be made available in the designated areas. The eligiblity designations shall be based on the Governor's request or supplemental

requests for assistance, taking into consideration available information and FEMA assessments of requirements.

(b) The Associate Director may, at his discretion, designate all or only portions of the areas requested by the Governor an eligible for supplementary Federal assistance. In addition, the Associate Director may, at his discretion, or as directed by the President in the declaration letter, authorize all or only portions of the types of supplementary Federal assistance requested by the Governor. Determinations by the Associate Director of the types and extent of FEMA disaster assistance to be provided and of the areas eligible to receive such assistance, are based upon findings whether, in any particular area, the damage involved and its effects are of such severity and magnitude as to be beyond the response capabilities of the State, the affected local governments, and other potential recipients of supplementary FEMA assistance.

(c) The Regional Director will promptly notify the Governor of the Associate Director's designations. In those instances where the type of assistance or certain areas requested by the Governor are not designated or authorized by the Associate Director, the Governor, or the Governor's Authorized Representative, may appeal the decision within 30 days of the date of the written notification by submitting a formal written appeal, with justification for reconsideration, to the Associate Director through the appropriate Regional Director.

(d) After a declaration by the President, the Governor, or the Governor's Authorized Representative, may request that additional areas or types of supplementary Federal assistance be designated by the Associate Director. Such requests shall be accompanied by appropriate commitments by State and local governments and assessments to demonstrate that the requested designations are justified and that the unmet needs are beyond State and local capabilities without supplementary Federal assistance.

§ 205.41 Initiation of Federal assistance.

(a) *Federal Coordinating Officer.* Upon a declaration of a major disaster or of an emergency by the President, the Associate Director shall appoint a Federal Coordinating Officer (FCO) who shall initiate action immediately to assure that Federal assistance is provided in accordance with the declaration, applicable laws, regulations, and the FEMA-State Agreement.

(b) *Emergency.* The incident period for an emergency shall commence at 12:01 a.m., on the date of the President's declaration unless otherwise stated in the declaration documents.

(c) *Designates.* In the FEMA-State Agreement, the Governor shall appoint a State Coordinating Officer (SCO) and also shall designate the Governor's Authorized Representative (GAR), who shall administer Federal disaster assistance programs on behalf of the State and local governments and other grant or loan recipients.

§ 205.42 Responsibilities of the coordinating officer.

(A) Following a declaration of emergency or major disaster, the Federal Coordinating Officer (FCO) shall:

(1) Make an initial appraisal of the types of assistance most urgently needed;

(2) In coordination with the SCO, establish field offices and Disaster Assistance Centers as necessary to coordinate and monitor assistance programs, disseminate information, accept applications, and counsel individuals, families and businesses concerning available assistance;

(3) Coordinate the administration of relief, including activities of State and local governments, activities of Federal agencies as well as those of the American Red Cross, the Salvation Army, the Mennonite Disaster Service and other voluntary relief organizations which agree to operate under the FCO's advise and direction;

(4) Undertake appropriate action to make certain that all of the Federal agencies are carrying out their appropriate disaster assistance roles under their own legislative authorities and operational policies; and

(5) Take other action, consistent with the provisions of the Act, as necessary to assist citizens and public officials in promptly obtaining assistance to which they are entitled.

(b) The State Coordinating Officer (SCO) coordinates State and local disaster assistance efforts with those of the Federal Government. The SCO is the principal point of contact for the FCO regarding coordination of State and local disaster relief activities, implementation of the State emergency plan, and State compliance with the FEMA-State Agreement. The functions, responsibilities, and authorities of the SCO are set forth in each State emergency plan.

§ 205.43 Emergency support teams.

The Associate Director or Regional Director shall form emergency support teams of Federal personnel to send into an area affected by a major disaster or emergency. The Federal Coordinating Officer may request that the Regional Director activate appropriate emergency support teams. These emergency support teams assist the Regional Director or the Federal Coordinating Officer in carrying out his/her responsibilities under the Act and these regulations. Any Federal agency is authorized by the Act to detail personnel within the agency's administrative jurisdiction to temporary duty with the emergency support teams. The Regional Director or the Associate Director determines whether the detail is on a reimbursable or non-reimbursable basis. Each detail shall be without loss of seniority, pay, or other employee status. Except under unusual circumstances as determined by the Regional Director, such emergency support teams shall be organized and trained by each Regional Director to meet the needs for emergency assistance applicable to his/her Region. When requested by the Regional Director, State, local, or volunteer agencies may, as necessary, provide personnel to be deployed with the emergency support teams.

(Sec. 601, Disaster Relief Act of 1974, Pub. L. 93–288)

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance Billing Code 6718–01.)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

April 20, 1982.

[FR Doc. 82–11307 Filed 4–23–82; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Formats for Requests and Processing for Declarations of Emergency or Major Disaster

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: Suggested formats are provided for use by Governors to request a declaration under Pub. L. 93–288 of an emergency or of a major disaster, and are also provided for use by others involved in processing such requests.

EFFECTIVE DATE: April 5, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Federal Emergency Management Agency (FEMA) (202) 287–0501.

SUPPLEMENTARY INFORMATION: In a Report to the Congress by the Comptroller General of the United States, CED–82–4, dated December 7, 1981, entitled "Requests for Federal Disaster Assistance Need Better Evaluation," recommendation was made that the FEMA Director "develop comprehensive uniform forms to be used by Governors when submitting their requests and by regional offices when performing damage assessments." This GAO report stated that some Governors' request that were reviewed in FEMA's files did not meet all of the legal requirements of Pub. L. 93–288, as amended, and as implemented by 44 CFR Part 205. This GAO report also recommended that FEMA "make it clear that future requests which comply fully with Federal laws and regulations will avoid delays in processing the requests." In response to this GAO report, FEMA is concurrently publishing for proposed rule making a proposed rule (44 CFR Part 205, Subpart C) which will update and clarify the policies and procedures pertaining to the declaration process leading to a declaration of an emergency or of a major disaster by the President under section 301, Pub. L. 93–288, as amended. Suggested formats provided in this Public Notice are intended for use in this declaration process. The exact wording may be modified, but the basic content of the format for a Governor's request is essential to meet legal requirements for an adequate request. Preliminary estimates to be provided by the Governor in enclosures to this request for a declaration should be the best information available when the request is made and may be supplemented by the State Coordinating Officers during the damage assessment following the receipt by FEMA of the Governor's request. The format entitled "Supplementary Justification, State Damage Assessment" may be used for that purpose. The formats for regional summaries, analysis, and recommendations are to be used by FEMA to report the results of damage assessments and for making recommendations to the FEMA Director. These suggested formats are published for interim use during proposed rulemaking for 44 CFR Part 205, Subpart C, and comments by interested parties are invited not later than June 30, 1982, to the office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472. All comments received prior to July 1, 1982 will be carefully considered in developing appropriate revisions to these suggested formats. Based on actual experience in processing such requests for declarations, further revisions will be made to maintain these formats on a current basis.

Notice

1. Format—Governor's Request for an Emergency Declaration
2. Format—Supplementary Justification; State Damage Assessment; Request for an Emergency Declaration
3. Format—Regional Emergency Summary
4. Format—Governor's Request for a Major Disaster Declaration
5. Format—Supplementary Justification; State Damage Assessment; Request for a Major disaster
6. Format—Regional Disaster Summary

1. Format—Governor's Request for an Emergency Declaration

The President,
The White House, Washington, D.C. 20500
Through: Regional Director,
FEMA Region ——, City, State ZIP

Dear Mr. President: Under the provisions of section 301(a), Public Law 93–288, as implemented by 44 CFR 205.24, I request that you declare an emergency for (State) ——— as a result of ———.[1] (Describe the specific incident, the time period involved and name the specific counties or political jurisdictions in the affected area(s). Indicate whether the incident is continuing and forecast termination of any continuing phenomena.)

I have determined that this situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local govenments and that supplementary Federal assistance is necessary to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster, which, because of the pressures of time or because of the unique capabilities of a Federal agency, can be more readily or effectively provided by the Federal Government. The applicable State and local capabilities have been or will be fully committed to cope with this emergency, without Federal reimbursement.

Specifically I request the following supplementary Federal emergency asistance: (Provide an estimate of the type or nature and extent of Federal assistance required for each affected area and, when appropriate, attach Enclosures A and B.)

I have designated ——— as the State Coordinating Officer for this request. He (she) will work with the Federal Emergency Management Agency in damage assessments and may provide further information or justification on my behalf.

Sincerely,

Governor's signature
Enclosures.

[1] Type of incident; e.g., severe storms and flooding, hurricane, etc., or imminent threat of such occurrence.

ESTIMATED REQUIREMENTS FOR INDIVIDUAL ASSISTANCE, PUB. L. 93–288

County	Temporary housing	Individual and family grant	Other
		$	
Total			

Enclosure A.

ESTIMATED REQUIREMENTS FOR PUBLIC ASSISTANCE,[1] PUB. L. 93-288

County or PNP	Category									Total
	A	B	C	D	E	F	G	H	I	

[1] Estimates are to reflect total eligible costs before any cost sharing.
PNP = Private, non-profit.

Enclosure B.

2. Format—Supplementary Justification; State Damage Assessment; Request for an Emergency Declaration

I. Impacts

A. *General.* Describe conditions within the area affected by the incident. Describe the population of the affected area (urban or rural; lower, middle or upper income level), average family income or per capita income in the affected area and the concentration of damages. Answer how the affected manufacturing and servicing businesses fit into the general economy of the area and any significant changes resulting from the damages caused by the incident. Also, furnish any additional information, such as insurance, on the impact of this incident on the general economy of this area.

B. *Individuals.* (To be provided only when individual assistance is requested, or when specifically requested by the Regional Director.) Provide a statement describing the general and significant impacts to individuals, families and businesses caused by the incident and which are considered beyond local and State capabilities to cope without Federal assistance. Discuss factors and circumstances which would give an insight into the requirements for supplementary Federal assistance.

C. *State and Local Governments.* (To be provided only when public assistance is requested, or when specifically requested by the Regional Director.) Provide a statement describing the general and significant impacts of damage caused by the incident and which are considered beyond State and local capabilities to cope without Federal assistance. Discuss factors which would give an insight into the requirements of the affected areas for supplementary Federal assistance. This would show impacts on families or communities isolated as a result of the incident, interruptions of essential services and actual or potential problems to public health and safety.

II. Available Resources and Capabilities

A. *State.* Indicate if and when a State emergency has been declared and whether the State emergency plan has been implemented. Indicate the specific assistance provided—number of personnel and equipment, State departments involved and days of utilization, for which no Federal reimbursement will be claimed.

B. *Local.* Provide breakdown by affected county and by other potential applicants, tabulating the specific resources or capabilities which have been or will be committed to coping with the specific emergency conditions for which supplementary Federal assistance will not be requested, i.e., numbers of personnel and equipment, local departments involved, and days of utilization.

III. Supplemental Federal Assistance Required

A. *Public Law 93-228.* (Provide appropriate additional details to clarify or explain the type and extent of Federal assistance requested specifically by the Governor in his request.)

B. *Other Federal Assistance (if any).* (By supplementary notes, provide appropriate information to describe only the nature and extent of other supplemental Federal assistance required. Indicate how and why a Presidential declaration is needed to make such assistance available.)

3. Format—Regional Emergency Summary

I. Date of Request (Date of Governor's Request).

II. Type of Incident (as specified in Governor's Request).

III. Locations (Areas listed in Governor's Request).

IV. Probable Incidence Period.

V. Impacts. Review the impacts of the incident and indicate concurrence or explain any significant differences in the FEMA and State assessment of impacts. Report on any additional significant and widespread impacts not otherwise covered.

VI. Available State and Local Resources and Capabilities. Verify the accuracy and completeness of the State reporting of these available State and local resources and capabilities. Indicate whether or not you find that all such State and local resources and capabilities (applicable to the needs for which FEMA supplementary assistance is requested) are, or will be fully committed. Do you find that there are unmet needs? If so, report on them specifically in the next section of your assessment of this situation.

VII. Supplementary Federal Assistance Required. Review the Governor's request, plus other available information, and indicate your concurrence, or any significant differences in your findings and his request. Tabulate your findings and the State's request for supplementary FEMA assistance whenever such tabulation will facilitate comparisons and decision-making. Indicate the extent of your field investigations and of your consultations with State officials in developing your findings. State specifically any findings you may develop of unmet needs that could be satisfied by other Federal agencies without a declaration of an emergency to the President.

Instruction: The Regional Emergency Summary is a detailed review of the assessment of severity, magnitude and response capabilities based on the results of an on-site investigation and/or damage assessment operations. The focus, especially for a request for a declaration of an emergency, is placed on the unmet needs specified in the Governor's request. It should address the facts and circumstances as they have been disclosed and descriptive adjectives, opinions and subjective evaluation should be avoided. In short, the Regional Disaster/Emergency Summary should answer the basic questions:

- Where is the damage?
- What types of damage have occurred?
- How has the damage impacted the community?
- What resources are available?
- What assistance is needed?
- Does the Federal Government have unique resources or capabilities to provide the needed assistance as the result of a declaration by the President of an emergency?

Regional Analysis and Recommendation

(Identify type incident and incident period here. This portion is separate from the preceding summary.)

1. Discussion: Critically examine the Governor's request with regard to the statutory requirements. This will include a determination of State and local resources and capabilities, including applicable budgets. All of the available resources should be fully employed; however, they do not need to be exhausted. Discuss specifically State capabilities for satisfying the unmet needs for which supplementary Federal assistance is requested/recommended. Indicate specifically whether the Federal Government has unique

capabilities for providing needed assistance that are not available from non-Federal sources.

Other information which may be included is the current emergency situation throughout the State plus the past experiences of the State and of the affected area. This includes incidents which resulted in declarations and denials as well as those which were not requested by the State.

This discussion should indicate the consequences of a denial as well as of a Presidential declaration.

2. Conclusion(s): (Present the conclusion(s) drawn from the above analysis of all relevant factors. The conclusion(s) should be brief and clear. The conclusion(s) arrived at should logically lead to the *Recommendation*).

3. Recommendation: (The recommended course of action must be in consonance with the conclusion(s) and be supported by the facts developed in the discussion.)

Instruction. Value judgment plus subjective evaluation and analysis of the facts reported in the Disaster Incident Report and Regional Emergency Summary should be applied in developing the Regional recommendation.

4. Format—Governor's Request for a Major Disaster Declaration

The President,
The White House, Washington, D.C. 20500

Through: Regional Director,
FEMA Region ——, City, State ZIP

Dear Mr. President: Under the provisions of section 301(b), Public Law 93–288, as implemented by 44 CFR 205.41, I request that you declare a major disaster for (State) ——— as a result of ———.[2] (Describe the specific incident, the time period involved, and name the specific counties or political jurisdictions in the affected area(s). Indicate whether the incident is continuing and forecast termination of any continuing phenomena.)

The amount and severity of disaster-related damages are broken down by type and preliminary estimates follow:

Private non-agricultural	$
Agricultural	
Public (State or local government)	
Total	

As the result of the situation I have directed the execution of the State emergency plan on (date) ———. (If a State of emergency has been declared, indicate when and where applicable.) I have also directed all appropriate action(s) under State law.

I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that supplementary Federal assistance is necessary. Preliminary estimates of the nature and extent of Federal assistance needed under Pub. L. 93–288, as amended, are tabulated in Enclosures A and B. Estimated requirements for Federal assistance from certain Federal agencies under other statutory authorities are tabulated in Enclosure C.

The following information is furnished on the extent and nature of State resources which have been or will be used to alleviate the conditions of this disaster: (Provide brief narrative giving pertinent information. Include statement of actions pending or taken by State legislative and governing bodies with regard to the disaster.)

I intend to implement the Individual and Family Grant Program as described in the enclosure. (If the State needs an advance of its 25 percent share, the following statements must also be included: I "certify that the State is unable to immediately pay its 25 percent share of the cost to implement the program and request that $——— (estimate of State share) be advanced by the Federal Government. In order to repay this advance I will *(describe the specific action to be taken to overcome the State's inability to fund its share).* I certify that the advance will be repaid as soon as funds become available; I anticipate that funds will become available by (date) ———.")

Pursuant to Federal Emergency Management Agency regulations, I certify that the total expenditures and obligations for this major disaster for which no Federal reimbursement will be requested are expected to exceed $——— in accordance with the table in Enclosure D.

I have designated ——— as the State Coordinating Officer for this request. He (she) will work with the Federal Emergency Management Agency in damage assessments and may provide further information or justification on my behalf.

Sincerely,

Governor's signature.

Enclosures.

ESTIMATED REQUIREMENTS FOR INDIVIDUAL ASSISTANCE, PUB. L. 93–288

County	Temp. Hsg.	IFG	DUA	Other
		$	$	
Totals				

Footnotes: Add footnotes as appropriate to clarify these requirements.
Temp Hsg = Temporary Housing.
IFG = Individual and Family Grant.
DUA = Disaster Unemployment Assistance.

Enclosure A.

ESTIMATED REQUIREMENTS FOR PUBLIC ASSISTANCE, PUB. L. 93–288

County or PNP	Category									Total [1]
	A	B	C	D	E	F	G	H	I	

Footnote: (Add footnotes as appropriate to clarify these requirements.)
[1] Estimates are to reflect total eligible costs before any cost sharing.
PNP = Private, non-profit.

ESTIMATED REQUIREMENTS FOR OTHER FEDERAL AGENCY PROGRAMS

County	SBA Home Loans	SBA Business Loans	FMHA Loans	ASCS	SCS	FHWA	DOE School Grants	COE	Other
	$	$		$	$	$	$	$	
Totals									

Footnotes: (Add footnotes as appropriate to clarify these requirements.)

[2] Type of disaster; e.g., severe storms and flooding, hurricane, etc.

Enclosure C.

Governor's Certification

I certify that for this current disaster, State and local government expenditures and obligations will constitute a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship or suffering resulting from such disaster. As stated in my basic letter, and based on information available at this time, tabulation of these estimated total expenditures and obligations, for which no Federal reimbursement will be requested, follows:

Category of assistance	Amount[1]	
	State	Local
Individual assistance: [2]		
Housing	$	$
Individual and family grants		
Mass care		
Other (specify)		
Total		
Public assistance: [2]		
Category A—Debris clearance		
Category B—Protective measures.		
Category C—Road systems		
Category D—Water control facilities.		
Category E—Public buildings and related equipment.		
Category F—Public utilities		
Category G—Facilities under construction.		
Category H—Private, nonprofit facilities.		
Category I—Other (not in above categories).		
Total		
Other: [3]		
Total		
Grand total		

[1] Provide breakdown by attachment for each disaster affected county or other political jurisdiction.
[2] Report only estimated State or local shares on a 75/25 basis of Public Law 93-288 assistance when appropriate.
[3] Report public safety, use of National Guard for security, or other types of assistance not reimbursable under Public Law 93-288 and not reported under Individual Assistance or Public Assistance.

Enclosure D.

5. Format—Supplementary Justification; State Damage Assessment; Request for Major Disaster Declaration

I. Background

Provide brief narrative description of predisaster conditions, covering where applicable factors such as:

- General economic conditions in affected area(s)
- Income level(s) of affected persons
- Special language or ethnic considerations
- Availability of vacant housing in the affected area(s) into which homeless people could be placed
- Extent, types and provisions of insurance to cover losses and description of uninsured damages
- Unemployment
- Other relevant factors

II. Impacts

Provide a narrative description of impacts to document a clear picture of the magnitude and severity of the disaster as reflected by losses or damages, effects on people, and effects on State or local governments. The resultant hardships, economic and social consequences should be addressed. The following factors should be addressed only when applicable.

A. Significant effects on people.

- Deaths
- Injuries
- Missing persons
- Continuing public health and safety problems
- Extent of damages to homes
- Continuing occupancy of mass shelters
- Additional unemployment in the affected areas resulting from the major disaster
- Other significant personal property losses
- Extent, types, and provisions of insurance coverage of losses or damages (describe nature and extent of uninsured damages)

B. Significant effects on State or local governments.

- Isolated families or communities
- Interruption of essential public services
- Search and rescue efforts
- Continuing public health and safety problems
- Extent, types and provisions of insurance coverages
- Loss of tax base
- Financial hardships
- Loss of governing capabilities (deaths or injuries to key officials, loss of records, etc.)

C. Significant effects on private, nonprofit organizations (educational, utility, emergency, medical, or custodial care facilities).

- Same as II.B. above.

D. Significant effects on businesses.

- Extent of disruptions in services or closings
- Extent of insurance coverages
- Financial hardships
- Employees
- Losses or damages to facilities or inventories and their importance to the area

E. Significant effects on agriculture.

- Major crop/livestock losses
- Extent of insurance
- Financial hardship
- Losses or damages to facilities and their importance to the area
- Outlook for future plantings

F. Significant factors not otherwise covered under paragraphs A through E.

III. State and Local Response

A. State.

(1) State Emergency Plan (specific assistance provided as a result of this plan—number of personnel, equipment, State departments involved and days of utilization).

(2) Other (detail on other State resources which have been or will be used. Also indicate disaster/emergency history within past 12 months).

(3) Restrictions (indicate resources which cannot be used due to any type of restrictions such as State constitutional prohibitions or debt or borrowing limitations. Also indicate what steps have been taken by the Governor to remove or avoid the impact of such restrictions).

(4) Financial Data (furnish information concerning the availability now of any State emergency fund money or money from the Governor's discretionary funds. Provide general fund balance and status of applicable budgets for damage involved, e.g., road and bridge budget if State road and bridge damage is shown).

B. Local.

(1) Local response. (Specific assistance provided by the local government(s) as a result of the incident—number of personnel, equipment, departments involved and days of utilization.)

(2) Other. (Details on other local resources which have been or will be used, if not described in detail in the letter. Also indicate assistance provided by community or private volunteer organization. Indicate disaster/emergency history within past 12 months.)

(3) Restrictions. (Provide similar information to that provided by the State in B. (3) above.)

(4) Financial Data. (Provide similar information to that provided by the State in B. (4) above.)

6. Format—Regional Disaster Summary

I. Date of Request (Date of Governor's Request).

II. Type of Disaster (as specified in Governor's Request).

III. Locations (Areas listed in Governor's Request).

IV. Probable Incidence Period.

V. Assessment of Severity, Magnitude, and Response Capabilities. (Identify damage in areas that are sanctioned or cancelled by the flood insurance program.)

A. *Impact on Individuals.*

(1) *Casualties* (number dead, injured, hospitalized).

(2) *Emergency needs* (number of families affected; number requiring mass feeding, shelter, utilities (water, sewer, heat, electricity), transportation, search and rescue; disaster relief organization—Red Cross, Salvation Army, Mennonites, Seventh Day Adventist, etc.; activity; local and State response; health and safety problems; unmet needs.)

(3) *Homes.*

Impact: (Number of homes affected; destroyed, major or minor damage; single family, owner-occupied, multiple dwelling, mobile homes, etc.)

Requirements: (Estimate of temporary housing requirement; cost.)

Response Capabilities: [3] (Amount of insurance coverage; local, State, Federal—HUD, SBA, etc.) When considering response under Pub. L. 93–288, indicate separately the number requiring mobile homes, mini-repair or Limited Home Repair and other forms of housing.

(4) *Individual and Family Grants:* (Indicate probable requirement for this program. Distinguish the number and amount for the regular program from the number and amount listed for Limited Home Repair.)

(5) *Businesses.*

Impact: (Number and types affected—servicing, manufacturing, etc.; number employed, unemployed.)

Requirements: (Number of loans and estimated cost; unemployment benefits, duration and estimated cost.)

Response Capabilities: [3] (Amount of insurance coverage; SBA, DOL, etc.)

(6) *Agriculture.*

Impact: (Number of farms affected; damage to farm buildings, equipment, crops.)

Requirements: (Cost to repair or replace losses.)

Response Capabilities: [3] (Local, State, Federal assistance available.)

B. *Impact on Public Facilities.* Provide a statement describing the general impact of damage by category. Discuss factors which would give an insight into the requirements of the affected areas. This would include families or communities isolated as a result of the incident, interruption of essential services and actual or potential problems to public health and safety.

[3] With or without Major Disaster Declaration.

ESTIMATES OF ELIGIBILE ASSISTANCE (PUB. L. 93–288)

Category	Amount	
	State Estimate	Federal Estimate
Emergency work	$	$
Debris clearance		
Protective measures		
Road systems		
Water control facilities		
Public buildings		
Public utilities		
Private nonprofit		
Other (recreation, etc)		
Total		

Provide a statement describing the impact of damages to other public facilities not eligible for assistance under Pub. L. 93–288, such as Federal-aid system roads and public schools. In the case of schools, identify the uninsured damage.

VI. Summary: (Provide a summary of the estimated requirements for FEMA and other programs.)

Pub. L. 93–288

Public.....$.....
DUA.....$.....
Housing.....$.....
408 Grants (Federal share).....$.....

OFA

SBA Loans:
Home/personal.....$.....
Business.....$.....
FmHA Loans.....$.....
ASCS (Federal share).....$.....
SCS (Federal share).....$.....
Food Stamps/Commodities.....$.....
FHWA (FAS Roads).....$.....
DOEd (Schools).....$.....
COE (Pub. L. 84–99).....$.....

Instruction: The Regional Disaster summary is a detailed review of the assessment of severity, magnitude and response capabilities based onthe results of an on-site investigation and/or damage assessment operations. The focus, especially for an emergency request, is placed on the unmet needs specified in the Governor's request. It should address the facts and circumstances as they have been disclosed and descriptive adjectives, opinions and subjective evaluation should be avoided. In short, the Regional Disaster Summary should answer the basic questions:

- Where is the damage?
- What types of damage have occurred?
- How has the damage impacted the community?
- What resources are available?
- What assistance is needed?
- What assistance should be provided as the result of a declaration by the President of a major disaster?

Regional Analysis and Recommendation

(Identify type incident and incident period here. This portion is separate from the preceding summary.)

1. *Discussion:* Critically examine the Governor's request with regard to the statutory requirements. This will include a determination of State and local resources and capabilities, including applicable budgets. All of the available resources should be fully employed; however, they do not need to be exhausted. Discuss specifically State capabilities for satisfying the unmet needs for which supplementary Federal assistance is requested/recommended. Indicate specifically whether the Federal Government has unique capabilities for providing needed assistance that are not available from non-Federal sources.

Other information which may be included is the current disaster situation throughout the State plus the past experiences of the State and of the affected area. This includes incidents which resulted in declarations and denials as well as those which were not requested by the State.

This discussion should indicate the consequences of a denial as well as of a Presidential declaration.

2. *Conclusion(s):* (Present the conclusion(s) drawn from the above analysis of all relevant factors. The conclusion(s) should be brief and clear. The conclusion(s) arrived at should logically lead to the *Recommendation.*)

3. *Recommendation:* (The recommended course of action must be in consonance with the conclusion(s) and be supported by the facts developed in the discussion.)

Instruction: Value judgment plus subjective evaluation and analysis of the facts reported in the Disaster Incident Report and Regional Emergency Summary should be applied in developing the Regional recommendation.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance Billing Code 6718–01)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

April 20, 1982.

[FR Doc. 82–11309 Filed 4–23–82; 8:45 am]

BILLING CODE 6718–01–M

federal register

Monday
April 26, 1982

Part V

Department of Transportation

Coast Guard

Tank Vessel Operations; Puget Sound

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 78-041]

Tank Vessel Operations; Puget Sound

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This regulation amends the Puget Sound vessel traffic service (VTS) regulations found in 33 CFR Part 161. It replaces an interim rule which prohibits the operation of any oil tanker in excess of 125,000 deadweight tons, bound for a port or place in the United States, in designated Puget Sound areas. Several previously proposed equipment and operating rules are withdrawn. This action will continue to provide a high level of protection to the marine environment in the Puget Sound area.

EFFECTIVE DATE: This rule will become effective June 10, 1982.

ADDRESS: Copies of studies and other documents referred to in this rulemaking may be obtained from or are available for examination at the office of Commandant (G-WWM/TP16) (Puget Sound Tank Vessel Operations) U.S. Coast Guard, 2100 2nd Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel W. Ziegfeld, Office of Marine Environment and Systems, (G-WWM/16), Room 1608, U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, D.C. 20593, (202) 755-6146. Normal office hours are 7 a.m. to 5 p.m. Monday thru Friday.

DRAFTING INFORMATION: Persons involved in the drafting of this final rule are Mr. Daniel Ziegfeld, Project Manager, Office of Marine Environment and Systems, and LCDR William B. Short, Project Counsel, Office of the Chief Counsel.

Supplementary Information: On October 22, 1981, the Coast Guard published a Notice of Intent, and Availability of Studies (45 FR 51779) concerning tank vessel operation in Puget Sound. The Coast Guard invited public comment and announced its intentions to publish a Supplemental Notice of Proposed Rulemaking concerning this matter. The Notice indicated that these studies may result in substantial changes to the proposed rule previously published. While this Final Rule contains changes from the proposed rules the Coast Guard has determined that a supplemental Notice of Proposed Rulemaking is not necessary. The proposed rules that are being modified were subject of extensive specific comments, in writing and at the several public hearings. The comments and the resulting changes are discussed in detail below.

Background

Regulations establishing a Puget Sound Vessel Traffic Service were originally established in July 1974, (39 FR 25430, July 10, 1974) in recognition of the congested vessel traffic and hazardous operating conditions in the area. With minor modifications and additions, these regulations remain in effect today.

In 1975, the Washington State Legislature enacted the Washington Tanker Law, with the "intent and purpose to * * * decrease the likelihood of oil spills on Puget Sound and its shorelines * * *" (RWC 88.16.170 (1975)). This statute, among other provisions, prohibited "oil tankers" greater than 125,000 deadweight tons from entering Puget Sound and adjacent waters. On March 2, 1978, the United States Supreme Court in the case of *Ray v. Atlantic Richfield Co. Inc.*, 435 U.S. 151, (1978), declared portions of the Washington Tanker Law invalid based on constitutional grounds involving Federal preemption of State law. While litigation concerning the State law was in progress, tank vessel operators refrained from using vessels exceeding 125,000 DWT in Puget Sound and adjacent waters.

On March 14, 1978, (43 FR 12257, March 23, 1978), the Secretary of Transportation issued an interim navigation rule prohibiting entry of oil tankers in excess of 125,000 DWT into the U.S. waters of Puget Sound, east of a line from Discovery Island Light to New Dungeness Light. The rule was issued pending preparation of additional navigation regulations by the Coast Guard in order to provide a continuing scheme for controlling vessel operation in Puget Sound and to avert a reduction in environmental protection. This interim rule was subsequently extended and remained in effect throughout this rulemaking.

On March 27, 1978, there was published in the **Federal Register** (43 FR 13240) an advance notice of proposed rulemaking which stated the Coast Guard was considering issuance of regulations governing the operation of tank vessels in the Puget Sound Area. Comments and suggestions were requested concerning possible approaches the Coast Guard could take to arrive at the best solution for protection of the area from environmental harm resulting from damage to the structure of a tank vessel or its destruction or loss. Hearings were held in Seattle, Washington, on April 20 and 21, 1978. On April 12, 1979, the Coast Guard published in the **Federal Register** (44 FR 21974) a notice of proposed rulemaking, again requesting comments and suggestions.

These proposed rules included, in addition to a size limitation of 125,000 DWT, extension of the applicability of the VTS rules to smaller vessels, additional special operating and equipment rules for tank vessels over 40,000 DWT, modifications to reporting requirements, a minimum "net bottom clearance", requirements for tank vessels over 40,000 DWT to use tugs, and speed and other operating restrictions. In addition, changes to the VTS area and certain operating areas within it were proposed. Over 130 written comments were received on the proposed rules and 73 oral presentations were made during four days of hearings held in three locations in the Puget Sound area in June 1979. Particularly controversial were the proposed regulations concerning the 125,000 DWT size limitation, net bottom clearance, and use of tugs. Additional studies on tanker size and tests involving tug utilization were suggested.

In July, 1980, the Coast Guard split the original rulemaking into three parts. This was done to put in place those portions of the proposed rule that were not controversial and to facilitate development of a Cooperative Vessel Traffic Management Service in Haro Strait and the Strait of Juan de Fuca, to be jointly operated by the United States and Canada. On July 21, 1980, the Coast Guard published a final rule amending the VTS regulations (45 FR 48882), a supplemental notice of proposed rulemaking redefining the VTS area (45 FR 48826), and a supplemental notice of proposed rulemaking concerning the 125,000 DWT size limitation and the area to which it would apply (45 FR 48827). On December 22, 1980, (45 FR 84057) the redefined VTS area was published as a final rule. As a result of these actions only the following portions of the proposed rules remained under consideration:

(1) Tank vessel size limits and the area to which they would apply (§ 161.143(a)).

(2) Tug escort and assistance requirements (§ 161.145).

(3) Additional reports incident to operations by tank vessels over 40,000 DWT (§ 161.130).

(4) Operating restrictions due to winds (§ 161.143(b)).

(5) Channel rules (§ 161.143(c)).

(6) Net bottom clearance (§ 161.143(d)).

(7) Equipment requirements (§ 161.144).

Action Taken on Proposed Regulations

As indicated above, only certain portions of the proposed rules remain to be disposed of. This final rule completes the rulemaking by the following actions:

(1) Adopting the proposed 125,000 DWT size limit within the area defined in the supplemental notice of proposed rulemaking published on July 21, 1980 (§ 161.143(a)).

(2) Withdrawing the proposed tug escort and assistance requirements (§ 161.145).

(3) Withdrawing the proposed additional reporting requirements (§ 161.130).

(4) Withdrawing the proposed operating restrictions due to wind (§ 161.143(b)).

(5) Withdrawing the proposed channel rules (§ 161.143(c)).

(6) Withdrawing the proposed net bottom clearance rules (§ 161.143(d)).

(7) Withdrawing the proposed equipment requirements (§ 161.144).

Environmental Factors Considered by the Coast Guard

It is the purpose of the VTS regulations and this rule to provide for the navigable waters of the Puget Sound area and the resources therein, a high level of protection from environmental harm resulting from vessel or structure damage, destruction or loss. A review of the legislative history of the Washington Tanker law indicates that the concern underlining the passage of that statute was the threat of massive oil spills which might result from the grounding of a large tank vessel carrying crude oil. It is the scope and degree of these hazards presented by the operation of large tank vessels within this port and waterway configuration that have been the major policy issues in considering this rule.

As discussed in the Final Environmental Impact Statement, the value of the waters of Puget Sound to the general welfare, economic stability, and livability in the Western Washington region is extremely high. Commercial and sport fishing, waterfowl hunting, recreational boating, and tourism contribute hundreds of millions of dollars annually to the region's economy. Additionally, the shoreline areas of the region are used extensively for recreational purposes. The environmental quality of marine waters in nearly all the regions are classified by the Washington Department of Ecology, pursuant to U.S. Evironmental Protection Agency requirements, as "extraordinary", the highest quality classification.

The total loss of a tanker with the discharge of its entire cargo in Puget Sound is extremely remote. However, the grounding of a relative large tanker would probably result in discharge of a greater volume of oil than the grounding of a small tanker in the same circumstances. Studies indicate the estimated maximum credible oil spill due to collision or grounding would be from the rupturing of two wing tanks, or approximately 10 to 13 percent of the cargo. Based upon this, the maximum credible spill from a 125,000 DWT tanker would range from 87,875 to 114,238 barrels and from a 200,000 DWT tanker it would range from 142,080 to 184,704 barrels. Comparing the spill sizes for each tanker shows that the oil spilled from the 200,000 DWT tanker is approximately 62 percent greater than that from the 125,000 DWT tanker. Factors influencing movement of oil spills in Puget Sound area are extremely complex. However, studies by the National Oceanic and Atmospheric Administration and others indicate that it would be unrealistic to expect that the effects of a large spill would be localized.

Size Limitation and Area of Applicablity

The rule adopts a size limitation which prohibits tank vessels over 125,000 DWT from entering Puget Sound east of a line extending from Discovery Island Light to New Dungeness Light. In developing this rule it was assumed that the amount of crude oil transported to the refineries within the area will not increase significantly. This assumption is based on the following facts:

(1) Existing capacity exceeds the demand for petroleum products in the State of Washington.

(2) Section 5a of the Marine Mammal Protection Act of 1972, as amended, limits alteration of the terminals which results in any increase in the volume of crude oil capable of being handled, other than for consumption in the State of Washington.

(3) There is strong local opposition to establishing transshipment facilities in the Puget Sound area.

These rules have been developed primarily on the basis of studies and predictions. Prior to enactment of the Washington Tanker Law in 1975, only 15 tank vessels larger than 125,000 DWT had entered Puget Sound, all going to the Atlantic Richfield Company (ARCO) refinery at Cherry Point. None of the other refineries in the area can accommodate vessels larger than 100,000 DWT when fully loaded. There have been no major oil pollution incidents in the Puget Sound area associated with the operation of large tank vessels. However, the potential exists for such casualties and it is the view of many of the area's residents that action should be taken to prevent the occurrence of any such incidents rather than wait until a history of environmental tragedies has conclusively demonstrated the need for controls.

In developing this rule the Coast Guard has extensively considered the risk of environmental harm presented by tank vessels of various sizes. In preparing the notice of proposed rulemaking issued on April 12, 1979, the Coast Guard sponsored a study conducted by the U.S. Maritime Administration at its Computer Aided Operators Research Facility (CAORF). Other available studies, including one conducted by the Congressional Office of Technology Assessment (OTA) were also considered. These studies are discussed in detail in the notice (44 FR 21974).

The OTA study, entitled "An Analysis of Oil Tanker Casualties, 1969–1974" and a "White Paper" continuation thereof concluded that a direct relationship exists between tanker size and the probability of a pollution causing incident "per port call." As discussed in the notice of proposed rulemaking (April 14, 1979, 44 FR 21974), the Coast Guard questions the methodology used.

The CAORF study sponsored by the Coast Guard indicated that tanker size was not a primary factor in causing pollution incidents. This study is also discussed extensively in the notice of proposed rulemaking. However, the study was based primarily on off line fast computer time simulation. A limited amount of "real time" simulation was also employed. Although the CAORF study indicated that large tank vessels could safely navigate in Puget Sound, there were risks involved. Subsequent to the hearings on the proposed rules a study on Puget Sound Tanker Size Optimization was conducted by the Oceanographic Institute of Washington (OIW). That study was intended to provide quantitative evidence to aid the Coast Guard in evaluating the effects of certain specific policy decisions upon tanker spill risk. On October 22, 1981, (46 FR 51779) the Coast Guard published a notice of the availability of this study and invited comments. Some twenty comments were received, all questioning the data base, assumptions, methodology and limitations of the report. The purpose of the study was to determine a historically derived optimum average tanker size which represents the minimum risk of spillage

from oil tankers in the Puget Sound area. The study did not, and was not intended to, recommend an optimum tanker size limit.

The statistical analysis was based upon historical data. The study addresses the spillage history of tankers and not the spillage future of tankers. The study analyzes the risk of spillage only and not the risk of damage. Although the results of this study are not conclusive, the study indicated a limited increase in average tanker size in Puget Sound would result in lower overall spill risk.

While the OIW analysis is one of the most rigorous attempts at quantitatively relating tanker size to the level of risk in a port system it is important to understand the limitations of this study. The mathematical model derived by OIW determines an estimated optimum average tanker size to serve Puget Sound. This does not directly translate into an optimum size limit. The data examined by OIW did not include any reasonable parameters describing the characteristics of a port other than throughput. Consequently, the optimum average tanker size, as computed in the study, for an individual port is a function of its throughput and nothing else. This means, for example, that the New York Port System would have approximately the same optimum average tanker size as Puget Sound while the Delaware River port system would have an optimum of near 100,000 DWT. However, many other factors are believed to significantly affect the level of risk, including maneuvering room, distance traveled within the port system, traffic density etc. The question of vessel size cannot adequately be considered in isolation from the specific configuration of waterways and other local conditions prevailing in the Puget Sound region. The two risk measures used in the report, based on volume spilled, were derived from the multiplication of two separate regression curves: the expected number of casualties and the expected volume spilled, given a casualty. This was done because OIW was unable to directly identify any relationship between the risk measure and the tanker size in the available historical data. Because of this approach, the variability around the estimates on the optimum average tanker size were not reported.

The model used in the study estimates average total spill volume for a given average tanker size and oil throughput at a port. An increase in the average tanker size would increase the estimated average spill size due to casualties. However, the study does not assess the likely environmental damage resulting from different size spills. Although increasing the average tanker size at a port, in the direction of the optimum average size as calculated in the study, might result in a reduction of the total volume of oil spilled at that port in a year, it is also likely to result in an increase in the volume of a single spill, that is, increase the risk of a major oil spill. Fewer, but larger spills may have more adverse environmental effects than more, smaller spills, even if the total volume spilled is less.

As discussed above, the OIW study indicated that the overall amount of pollution could be reduced if the average size of tank vessels operating in the Puget Sound area were increased, however, this could be accomplished within the 125,000 DWT limit and that study did not recommend a optimum size limit.

Public Comments

In response to the notice of proposed rulemaking, the Shell Development Company submitted a study which concluded that utilizing tank vessels over 125,000 DWT would significantly decrease the risk of oil spills. However, this study did not take into account the fact that currently only one facility can handle vessels over 125,000 DWT and that expansion of existing facilities is restricted. In order for large tank vessels to be used, extensive lightering (off-loading into smaller vessels) would be necessary. A Coast Guard analysis which included the risk of oil spills incident to lightering indicates that the overall risk is slightly greater utilizing tank vessels in the 125,000 DWT to 300,000 DWT range.

The American Institute of Merchant Shipping (AIMS) submitted extensive comments including comments on the basis for the proposed size limitation. In general AIMS supported the CAORF study and questioned the conclusion of the OTA study.

In arguing for withdrawing the proposed size limitation, AIMS discussed improvements in vessel design aimed at limiting oil outflow. Nevertheless, AIMS stated "As a result of these considerations, although it is impossible to say that large ships will not spill more oil, the probability is, because of reduced traffic, and other cogent factors, that environmental protection will be improved with the use of larger tankers." The AIMS comments pointed out that the tank vessel traffic involved with the size limitation is around 130 movements per month or 4.5 per day, which is only about three percent of all ship and barge traffic; or less than one percent if ferry movements are included. Other comments were received opposing the proposed 125,000 DWT limit, pointing out the apparent inconsistencies in the Draft Environmental Impact Statement (DEIS) and the lack of conclusive data in support of any limit. The Atlantic Richfield Company suggested that, as an alternative, U.S. flag vessels up to 200,000 DWT which have double bottoms or double hulls be permitted.

Comments on the proposed size limitation were submitted by Senator Warren G. Magnuson and four Congressmen from the State of Washington. They endorsed the regulatory principle of creating a size limitation for the purpose of minimizing the consequences of an accident, should one occur, as opposed to simply reducing the likelihood of an accident. They pointed out that the people of Washington who will ultimately bear the increased costs have strongly indicated they prefer to pay to protect the Puget Sound area from the effects of a large supertanker spill. The detailed analsysis submitted criticized the Draft Environmental Impact Statement (DEIS) for focusing on the risk of spills rather than the risk of damage from spills. The analysis also pointed out that an internal Coast Guard report concluded that none of the past studies were appropriate. It also stated there were errors in the Coast Guard analysis of the OTA report, that the data base was insufficient to draw any conclusions as to whether large or small tankers are safer, and that the methodology used by the Coast Guard is flawed. The overwhelming majority of comments received on the proposed rules from individuals and local organizations favored retaining the 125,000 DWT limit. In addition, after the OIW study was made available, Greenpeace submitted a petition bearing over 25,000 signatures supporting that limit.

Many comments were received concerning the location of the line beyond which large tank vessels are prohibited, primarily urging that the line be moved westward to the vicinity of Port Angeles or to the entrance of the Strait of Juan de Fuca. The environmental impact of tank vessel operations in these areas was extensively considered in connection with the proposal of the Northern Tier Pipeline Company to transport crude oil from the west coast to inland States. The decision of the President of the United States that this proposal was in the national interest was published in the **Federal Register** on January 28, 1980 (45 FR 6480). Moving the line as suggested by the comments would be

contrary to this Presidential determination. The Coast Guard has reviewed the materials generated during the almost four years of this rulemaking. Experts differ and there is good faith dispute as to whether the movement of oil into the Puget Sound by a smaller number of tankers in excess of 125,000 DWT or they use of a larger number of smaller tankers produces less overall risk of unacceptable environmental damage to the area. The Final Environmental Impact Statement prepared in conjunction with this rulemaking concludes that maintaining the present limit of 125,000 DWT is the preferred alternative.

From the information presently available, the following conclusions have been drawn:

(1) The use of large tank vessels will not have a significant effect on vessel traffic volume in the Puget Sound area.

(2) If large tank vessels are used, they can be accommodated only at the ARCO facility without lightering.

(3) Although the cost of transporting oil in tank vessels under 125,000 DWT is greater than it would be transporting it in larger vessels, the people of the Puget Sound area, to whom most of any additional costs would accrue, prefer to bear the cost rather than to risk a major oil spill.

(4) There have been no significant incidents of oil pollution related to the operation of tank vessels subject to the 125,000 DWT limitation which has existed since 1975.

Under these circumstances the decision has been made to prohibit the operation of tank vessels over 125,000 DWT in Puget Sound.

The Interim Navigation Rule was promulgated by the Secretary on March 14, 1978 pending rulemaking by the Coast Guard. The original Interim Navigation Rule was extended on September 8, 1978 and again on June 21, 1979 (44 FR 36175). The preamble to this extension stated that cancellation of the Interim Navigation Rule would be effected as part of the final rule. Accordingly, the Interim Navigation Rule is being deleted from Subpart B of Part 161, Title 33 Code of Federal Regulations.

Tug Escort and Assistance Requirement

The proposed § 161.145 would have required all tank vessels of 40,000 DWT or above operating within certain defined sections of the Puget Sound VTS area to be assisted or escorted by tugs. Tug assistance was defined in the proposed rule as a tug or tugs "physically connected to the vessel in such a manner as to be capable of applying required forces with minimum time delay." Tug escort was defined in the proposal as "a tug or tugs are accompanying the vessel and are immediately available to be connected to the vessel to provide assistance as required."

This proposal was based on the CAORF study and response to the advance notice of proposed rulemaking, where 39 comments were received supporting the concept, with only two opposed. At that time the Coast Guard felt that, in some circumstances, tug "assistance" should be required in order to eliminate the delay in securing the tug to the vessel.

There were 13 comments regarding the proposed rules on tug assist/escort in Puget Sound. Two were in favor of tug assist/escort with laden tank vessels. One commentor was in favor of the tug escort that is not attached to the vessel. However, 10 commentors took strong opposition to the proposal because of the danger to both tug and vessel and their personnel.

On January 23 through 26, 1981, the Coast Guard, U.S. Maritime Administration, and the American Institute of Merchant Shipping cooperatively funded full-scale tug assist/escort trials using the 188,500 deadweight ton tanker BT SAN DIEGO and tugs chartered from the Foss Launch and Tug Company. The tests examined various possible procedures for control of a large tank vessel which simulated loss of steering. Certain general conclusions were drawn, primarily that tug action can significantly alter the swing and speed of a ship which has lost its steering and that properly used tugs can check the swing of the vessel, at least under conditions similar to those encountered during the test. The report concluded, however, that it was most practical to operate with tugs in the escort mode, confirming the dangers raised in the objections to the assist mode received in response to the notice of proposed rulemaking. The escort should be at a speed sufficient for the tanker to maintain steerage in the event of loss of power, but slow enough to guarantee close proximity of the tugs.

The test results indicate that tank vessels can be controlled within the calculated acceptable transfers used to formulate the proposed rules with tugs initially operating in the "escort" mode. Furthermore, the tests involved a tank vessel significantly larger than the 125,000 DWT limit adopted in this rule. For these reasons the Coast Guard has concluded that a rule requiring "tug assistance" should not be promulgated. The Washington Tanker Law includes a requirement that most existing tank vessels of 40,000 to 125,000 DWT, must have an escort of a tug or tugs with the aggregate shaft horsepower of five percent of the deadweight tonnage of the tanker. Exceptions are made if the vessel meets certain design standards.

The Supreme Court in *Ray v. the Atlantic Richfield Company, Inc.*, supra, upheld the section of the Washington Tanker Law requiring tug escorts for oil tankers in Puget Sound. The Court further found that with respect to the State's power to impose tug escort requirements, the test is whether the Secretary (Coast Guard) has either promulgated tug requirements for Puget Sound tanker navigation or has decided that no such requirement should be imposed at all.

As discussed above, utilizing tug escort is an effectual means of reducing the environmental risk incident to tanker operation in Puget Sound. The Coast Guard considered modifying the proposed § 161.145 and issuing a final rule limited to tug escort, however the resulting rule would have been essentially the equivalent of the existing State law. Therefore, the Coast Guard is withdrawing the proposed § 161.145.

Because these Puget Sound VTS Rules will not address tug requirements, there is no necessity to require the operational reports under proposed § 161.130 and this section is withdrawn.

Operating Restrictions Due to Winds

Proposed § 161.143(b) would have prohibited the operation of tank vessels over 40,000 DWT in specified areas when winds exceeded 40 knots. This was based on the conclusions of the CAORF Study that vessel manueverability is adversely affected when the wind exceeds ten times the vessel's speed through the water. Under the proposed rules, tank vessels, under some circumstances, would have been required to proceed with tugs physically connected to the vessel. This would have required the tank vessel to proceed at speeds in the order of 4 knots. Applying the CAORF formula resulted in the proposed rule. Since the Coast Guard is withdrawing the proposed tug escort/assist requirements, there is less reason to limit tank vessel operation when winds exceed 40 knots. Tugs accompanying a tank vessel in the escort mode should be effective at speeds on the order of six knots. Applying the CAORF formula to these speeds would require restrictions due to winds only when winds exceed sixty knots. Such occurrences are extremely rare and under existing § 161.107 the VTC has the authority to restrict vessel operations under such adverse

conditions. For these reasons the proposed § 161.143(b) is withdrawn.

Channels

Proposed § 161.143(c) would have established a rule requiring tank vessels to be navigated as close as practicable to the center line of a one-way traffic channel, or to the the right inside quarter of a two-way traffic channel, unless otherwise directed by the VTC. In a final rule promulgated on 17 December 1981 (46 FR 61456), all waters within Puget Sound were placed under the International Rules for Prevention of Collisions at Sea, 1972 (COLREGS). Since the COLREGS contain detailed rules for vessels navigating in traffic separation schemes, it would be preferable to follow those rules and no others. Therefore, the proposed § 161.143(c) is being withdrawn.

Net Bottom Clearance

Proposed § 161.143(d) proposed a minimum net bottom clearance of 3 feet for tank vessels. While some comments were received supporting this requirement, or even suggesting greater clearances, operators of tank vessels strongly opposed this proposal, pointing out the severe loss in cargo carrying capacity when a tank vessel must operate at reduced draft. Criticism was particularly acute in opposing a three foot requirement that would apply while a vessel was berthed at a facility. It was suggested that if a net bottom clearance were to be imposed, separate criteria should apply to vessels at a berth. With tank vessel size limited to 125,000 DWT, virtually the only place within the Puget Sound area that a 3 foot net bottom clearance restriction would have any meaning would be at the facility berths. Applying restrictions in these locations would create the most adverse economic effect. The Coast Guard is aware of no incident of vessels grounding and rupturing tanks at the terminals, thus causing an oil spill, in the absence of these restrictions. The masters, pilots, and terminal operators take the depth of water in the berth into consideration in conducting their operations. In the absence of any data showing a need for these restrictions the proposed § 161.143(d) is being withdrawn.

Equipment Requirements

Proposed § 161.144 would have required certain equipment on tank vessels. Under paragraph (a) each tank vessel of 40,000 DWT or over would have been required to be equipped with a device that measures speed. Under paragraphs (b) through (d) tank vessels of 100,000 DWT or above would have been required to have additional equipment.

In a final rule covering all navigable waters of the United States, published on 14 August 1980 (45 FR 54037), all self-propelled tank vessels of 10,000 gross tons or more must have an electronic relative motion analyzer. In order to comply with the requirements for this equipment, the vessel must have a means of instantaneously determining its speed through the water. In view of this, the proposed § 161.144(a) would be redundant and is withdrawn.

Proposed § 161.144 (b) through (d) would have required additional equipment on vessels of 100,000 DWT or above. This equipment included a rate of turn indicator, a propeller shaft RPM indicator, and a Doppler navigation device to measure vessel movement, with readouts for each of these items capable of being read from the main steering station. The bridge wings of these vessels would have been required to have duplicate readouts of the vessels true heading, propeller shaft RPM, and rudder angle. The need for each of these devices has been reexamined.

While some studies have indicated that a rate of turn indicator becomes important on extremely large vessels, there is no evidence to suggest that it is needed on vessels below 100,000 DWT. Since there is relatively little difference in the maneuvering characteristics and visual impression available to the master or pilots of vessels between 100,000 DWT and 125,000 DWT, the Coast Guard has determined that this equipment is not necessary within the size limitations imposed by this rule. The propeller shaft RPM indicator is commonly installed and is required by current international agreements. In view of this, a separate requirement in the Puget Sound VTS rules would be redundant.

A Doppler navigation device is frequently installed in new vessels; however, its use is far from universal. The maximum utilization of this device is at extremely slow speeds and especially during docking or maneuvering in the vicinity of the dock where it is used to measure fore, aft, and athwartship vessel movement. The Coast Guard is not aware of any oil pollution from casualties incident to docking and therefore has concluded that there is insufficient justification to require the installation of this relatively expensive equipment. The remaining provisions require remote readouts of equipment normally installed in the navigating bridge of a vessel. Having remote readouts is beneficial when the conning positions on the bridge wings are a considerable distance from the main steering station. Vessels of up to 100,000 DWT would not have been required to have these remote readouts under the proposed rules. There is insufficient difference in the size of 125,000 DWT vessels to justify requiring this additional equipment. Although not directly related to the equipment that would have been required under proposed § 161.144 it is worth noting that on 19 November 1979 (44 FR 66530) the Coast Guard promulgated a final rule requiring improved steering gear on all tank vessels of 10,000 gross tons or more using any of the navigable waters of the United States.

For the foregoing reasons, proposed § 161.144 is withdrawn.

Other Factors

There were many comments received on the proposed rules published April 12, 1979 concerning pilotage, training, and manning requirements on vessels in the Puget Sound area. Because those comments were outside the scope of the proposed rules they are not dealt with here. The Coast Guard recognizes that the human error is a major factor in tanker casualties. However, though not directly related to this rulemaking the Coast Guard does have pilotage, training and manning requirements under review. Any changes to existing regulations would apply nationwide.

Environmental Impact Statement

A Final Environmental Impact Statement (FEIS) concerning this rule has been prepared and is available from the sources listed below. Comments on the FEIS will be accepted for 30 days following the publication of the notice of availability by the Environmental Protection Agency and distribution to the public.

This rulemaking corresponds to the preferred alternative in the Final Environmental Impact Statement. It represents a balance of public opinion and environmental impact versus economic considerations. The environmental impact analysis considers a number of studies on the potential for an oil spill in Puget Sound. None of the studies conclusively proves whether or not an increase in the size limit is safe. As a result the preferred alternative is based on the fact that with the existing limit, oil spill statistics for the Puget Sound area are well below those for the rest of the nation and world. The Final Statement will be available for review by interested state and local governmental agencies from the State and areawide clearinghouses established by Office of Management

and Budget Circular No. A–95 (revised). Copies of the Final Statement may otherwise be requested by interested parties from Commandant (G–WWM/TP16), as indicated under "ADDRESSES." Comments on the FEIS should be submitted to this address in writing as no public hearings are planned.

Summary of Regulatory Evaluation

This rule was reviewed in accordance with the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of May 22, 1980) and was determined to be significant. It is significant under DOT criteria because of the great public interest concerning the rule.

The most significant economic impact associated with this rule would be the loss of potential savings in cargo transportation cost that could result from removal of the tank vessel size restrictions. Assuming the Puget Sound regional refinery throughput at about 327,000 barrels per day, 365 days per year, the total transportation cost with the 125,000 DWT limit is 249.5 million dollars annually. Without a tanker size limit the total annual transportation cost is estimated at 224.4 million dollars. Therefore, the potential impact on costs associated with this final rule is estimated at 25.1 million dollars. Thus, the rule is determined to be non-major under the criteria established under Executive Order 12291.

The Mobil, Shell and Texaco refineries are not able to accommodate tankers larger than those permitted under the size limit imposed by this Rule. Expansion of those facilities is limited by section 5(a) of the Marine Mammal Protection Act of 1972. Since there is extremely strong local opposition to utilizing terminals in the Puget Sound area as transshipment points for oil to be consumed outside the State of Washington, expansion of dock facilities is unlikely.

Retaining the rule may prevent tankers exceeding 125,000 DWT from entering Puget Sound that might have entered without its restriction. An increase in the average tanker size would result in an increase in the risk of a major oil spill which could significantly damage the unique physical environment of Puget Sound which generates hundreds of millions of dollars annually to the region's economy. If the limit were removed, and larger vessels transported oil into Puget Sound, the cost of transporting oil would be reduced from current levels. However, the cost impacts would be borne primarily by the area's residents who have expressed a strong support for the size limitations. The 125,000 DWT tanker size limit has been adopted primarily in response to strong local concerns about the environmental consequences of higher tanker size limits.

The Regulatory Evaluation for this rule is filed in the public docket (CGD 78–041). Copies of the Regulatory Evaluation may be requested from: Commandant (G–WWM/TP 16), as indicated under "ADDRESSES." Although the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 5 U.S.C. 601) does not apply to this rulemaking, since the proposed rules were issued prior to the effective date of the Act, an evaluation under the principles of the Act has been conducted. The entities primarily affected by this rule are the oil terminals. None of the operators of the oil terminals are small entities. When the additional transportation cost attributed to maintaining the existing size limitation is allocated to the users of the oil, it is unlikely to have a significant economic effect on a substantial number of small entities.

List of Subjects in 33 CFR Part 161

Navigation (water), Vessels.

PART 161—VESSEL TRAFFIC MANAGEMENT

In consideration of the foregoing, Part 161 of Title 33, Code of Federal Regulations, is amended as follows:

1. By amending § 161.143 to read as follows:

§ 161.143 Navigation requirements.

Tank vessels larger than 125,000 deadweight tons bound for a port or place in the United States may not operate in waters of the United States east of the line extending from Discovery Island Light to New Dungeness Light and all points in the Puget Sound area north and south of these lights.

Appendix A [Removed]

2. By removing Appendix A of Subpart B.

(Sec. 12(a) of Section 2, Pub. L. 95–474, 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

Issued in Washington, D.C. on April 20, 1982.

Andrew L. Lewis,

Secretary of Transportation.

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